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**GUN LAWS AND THE NEED FOR SELF-DEFENSE
(PART 1)**

Y 4. J 89/1:104/43/PT. 1

Gun Laws and the Need for Self-Defe... **NG**

BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

MARCH 31, 1995

Serial No. 43



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GUN LAWS AND THE NEED FOR SELF- DEFENSE (Part 1)

FRIDAY, MARCH 31, 1995

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
*Washington, DC.***

The subcommittee met, pursuant to notice, at 10 a.m., in room 2141, Rayburn House Office Building, Hon. Bill McCollum (chairman of the subcommittee) presiding.

Present: Representatives Bill McCollum, Steven Schiff, Howard Coble, Fred Heineman, Ed Bryant of Tennessee, Steve Chabot, Bob Barr, Charles E. Schumer, Robert C. Scott, Sheila Jackson Lee, and Melvin L. Watt.

Also present: Representative Helen Chenoweth.

Staff present: Paul J. McNulty, chief counsel; Glenn R. Schmitt, counsel; Dan Bryant, assistant counsel; Aerin D. Dunkle, research assistant; Audrey Clement, secretary; and Tom Diaz, minority counsel.

OPENING STATEMENT OF CHAIRMAN McCOLLUM

Mr. McCOLLUM. This hearing of the Crime Subcommittee is called to order.

Today, we begin the first of a series of hearings on Federal gun laws. With these hearings, we mark a new chapter in the works of this subcommittee.

Nearly 30 years ago Congress responded to the rise of violence in America by enacting a comprehensive gun control act. Many State and local governments followed suit and today we have more than 20,000 laws which restrict access to or ownership of guns in various ways.

What have we witnessed at the same time? We have seen the rate of violent crimes skyrocket by more than 500 percent since the early 1960's. We have seen the annual number of murders steadily escalate to the current level of 24,000 per year. We have seen juvenile violence dramatically increase, particularly among 13- to 15-year-olds at a time when the juvenile population has been declining. Drive-by shootings, carjackings, kidnappings and other acts of violence, once rare occurrences not long ago, now have become commonplace.

There is something else we have seen during this same period of time. Violent criminals have been ignoring gun control laws. Any-

one whose moral nature allows him to brutalize other human beings is certainly not bothered by laws related to the ownership of guns. In fact, as we all know, the areas of this country where there has been the greatest devastation from violence and gun trafficking are the same areas there has been the most gun control.

But as we will learn at today's hearings, and in those that follow, gun control does have a real and significant impact. Unfortunately, the impact is on the wrong people. As legislative bodies have enacted more and more restrictions and prohibitions on gun ownership, law-abiding citizens dutifully comply. Unlike criminals, who by definition are law breakers, Americans who play by the rules have been jumping through all the hoops set by policymakers. And what has been the effects of these laws on decent Americans? The ability to defend oneself and family from violent criminals has become more difficult, if not impossible.

We have created a dependence on police officers for protection that is not the slightest bit realistic for citizens, or even fair to the police. We have turned law-abiding people into potential law breakers by arbitrarily declaring some guns to be good and some to be bad.

So today we begin a process made possible by the voters last November. We begin to hear the voices of those seldom heard before in these Halls of Congress, the voices of gun owners who obey the laws and, in particular, those who have learned that gun ownership can mean the difference between life and death.

My hope is that the testimony we will hear today will remind lawmakers our actions will have a dramatic effect on the lives of innocent people. The question of who will live and who will die is often cited by who is armed and who is not. Many almost choose not to own guns and that is their right but those who do feel the need to protect themselves must have our support.

I look forward to hearing from today's witnesses. I must apologize for the fact that I will be leaving early as a result of a scheduling conflict, but the gentleman from New Mexico, Mr. Schiff, has agreed to chair and will be chairing after about an hour or so of this hearing today.

I am going to now yield to my friend from New York, Mr. Schumer, who is the ranking minority member on this subcommittee. I know that a lot of members would like to make statements today, but because we have a huge panel, I would like to ask that all of them be as brief as possible or refrain from making a statement so that we can get to our panel and let this hearing commence. But certainly the ranking minority member on the committee, Mr. Schumer.

Mr. SCHUMER. Thank you, Mr. Chairman. And, first, I would like to compliment you on the fact that Chairman Brooks, whenever I would have a hearing on guns, would never give me this big room and you have already gotten it, so congratulations.

But, seriously, I would say, Mr. Chairman, that the subject of guns demands blunt talk and I intend to do just that.

The American people have been told that the subject of this hearing is the right of self-defense. But the truth is that this hearing is a smoke screen for the NRA and the gun lobby. This is an extremist pro-gun agenda in congressional disguise. The American

people should know why we are having these hearings today. This is the first step toward an attempt to repeal the Brady law and the assault weapons ban. This is the gun lobby's opening salvo and, mark my words, there will be more to come.

This hearing has the trappings of a circus. If it were the only thing on the gun lobby's agenda we could sit back and chuckle. Unfortunately, the joke is on the American people, because the NRA's next act will be to try to repeal or gut every rational gun law in this land.

We are here today because the NRA and the gun industry spent a lot of money in the last election and now it is payback time. This hearing is about the power of the gun lobby to break a contract with the American people, a contract to take the AK-47's, the Uzis, and the street sweepers off our streets.

Again, to repeat, if the NRA, the extreme wing of the Republican leadership, and the right wing extremists in America have their way, every rational gun law in this country will be repealed or gutted, and that means that the lives of millions of ordinary Americans are at risk.

Let us be clear. Except for the hidden agenda of repealing Brady and assault weapons, this hearing is about a nonissue. We all know this fact. There is not a single Federal law on the books today that interferes with the right to buy a gun for self-defense in any but the most trivial way. The Brady law does not stop law-abiding citizens from buying guns to protect themselves. The assault weapons ban does not stop law-abiding citizens from buying any of an infinite variety of guns for self-defense.

America's firearm factories turn out millions of new guns each year. No Federal law interferes with the right of self-defense. And does anyone really believe that giving every American an Uzi will make our streets safer; that by turning our towns into Dodge Cities we will be making life safer? This is pure pulp fiction. Arming the American people as a way to stop crime is like fighting drunk driving by giving every driver a drink. So self-defense is not the issue here today.

Self-defense is simply being used here as a cynical political theater. It is a puppet show being worked by the NRA, the gun lobby, and Speaker Gingrich. The hearing is a crazed fantasy dream to sell the loopy idea that guns are all good and gun laws are all bad, and, of course, to allow the gun industry to sell more guns.

Well, I hate to spoil today's little love-in with the gun lobby, but let me remind you how that phony fantasy plays out in real life. Here is a real life story from my city if we want to have a battle of anecdotes.

The headline is a simple one. It says: "Trying to Foil a Robbery, a Store Owner Is Shot to Death." It is the story of Orville Thomas, a hard-working immigrant who built his store up from nothing. He bought a gun because he thought it would protect him from robbers. Yes, when the time came, Orville Thomas drew his .9 mm pistol. He thought he could foil the robbery but his fantasy went wrong. Orville Thomas was shot once in the chest and killed before he could fire a single shot.

The story of Orville Thomas is just a silent news clipping now, but we ought to remember it when we glorify the value of guns for self-defense.

Now, let me tell you about a few other lives, the lives of two people who are in this room right now. I am going to ask these two to stand up and be recognized as I tell you about them.

Burle Phillips Taylor is here today. Burle, would you please stand up in the audience. Thank you.

Burle's 17-year-old son, Scott, was shot to death with an AK-47 assault rifle. The 18-year-old who literally executed Scott bought the AK-47 because he was too young to buy a handgun and he thought the AK-47 was cool.

Thank you, Burle.

Carol Lynn McCarthy is also here today. Carol Lynn, would you please stand up?

Carolyn's husband, Dennis, was killed on the Long Island Railroad by Colin Ferguson, who was armed with a .9 mm Ruger pistol and a 15-round, high capacity magazine now covered by the assault weapons ban. Her son, Kevin, was also seriously wounded, but fortunately he survived.

Thank you, Carol Lynn.

Ultimately, it is these human beings, their loved ones and the thousands like them that the assault weapons ban is all about. And neither they nor I nor the American people will let the NRA or its pals in Congress forget the fact that the fight over assault weapons starts with this hearing today.

But if the pro-gun lobby believes they will repeal the assault weapon ban and the Brady law without a fight, they have got another thing coming. We are drawing a line in the sand today. We will not sit on our hands while pro-gun extremists try to repeal the laws that the overwhelming majority of American people demand. Too many lives have been saved, too many felons have been caught for us to turn back the clocks now. The American people are saying move forward in the fight against crime, move forward in gun control and do not let the bullies in the gun lobby run you over.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. You are welcome, Mr. Schumer.

Before I move on, I want to make one comment, or two, very quickly. One is that this chairman does not have any plans whatsoever to have legislation that would repeal the Brady bill. There will be oversight hearings on how it is working and the identification process, which all of us are concerned with, but the Brady bill is not at issue here in this subcommittee at this time.

I am going to recognize other members very briefly. I would like for any opening statements that you make to be submitted for the record. Unanimous consent doesn't need to be asked. It is clear you can submit those statements, and if somebody wants to take 30 seconds, literally, fine, but we have a lot that could be said here this morning, but we have a huge panel, and three panels before the day is out. So I will not gag anybody, but I will ask that of all of the Members, both sides of the aisle. Mr. Schiff.

Mr. SCHIFF. Mr. Chairman, I certainly have heard you now emphasize the need to get going, and I will be extremely brief. I just want to say, however, that I think the issue before us should not

be whether the NRA, the gun lobby, or anyone else is for or against a particular bill. The issue should be, is it a good bill or a bad bill, is it a good law or a bad law. And that should be looked at on its face.

I think there has been considerable misinformation on these subjects and I want to congratulate you on these hearings, which I think this is the first of a series of hearings that will go into these issues, and I will ask your indulgence just to give a couple of quick examples of information which I think has been denied to the public and which I think is very significant.

Now members of the public may not change their views if they get additional facts. That is their free choice to continue to believe in a certain position. But it should be pointed out, for example, that what are called assault weapons are not military weapons though they have been called that over and over again both in this Congress and in the media. There is not one organized military that distributes any of those weapons as a regular issue.

Second of all, whatever they are, they are not banned. I am getting letters now saying, let us not put those weapons back on the street. The law did not ban these weapons. Every weapon that was on the street before remains on the street, perfectly legal to sell and resell, quite inconsistent, I think, with the argument these weapons have no place among legitimate citizens.

Finally, I have seen some outlandish claims of the effectiveness of the Brady Act. I think once you peel back the figures you will find everything from the fact that those fugitives who have been stopped from buying weapons under the Brady Act were in fact wanted for not paying a parking ticket. And, more important, the Washington Post, not exactly a bastion of conservative thinking, recently printed an article that said of the Brady checks that have taken place, only 10 individuals in the United States of America have been prosecuted for illegally trying to buy a weapon. That means anyone who was in fact turned down to buy a weapon was allowed to go free and get a weapon somewhere else if they wanted to. So how can anyone claim they have prevented a single act of violent crime?

Further the Brady Act has been declared unconstitutional in a number of courts around the country not on the 2d amendment but on the 10th amendment because we forced the States to run the program and pay for it.

These are just some facts that should come and be part of the debate. Again, I thank you for having these hearings.

Mr. McCOLLUM. Thank you for being brief. And I will encourage each colleague to be very brief, if you have anything to say. I probably should not allow opening statements this morning. Mr. Scott, briefly, if you would.

Mr. SCOTT. I will do the best I can. Thank you very much, Mr. Chairman.

The purpose of the hearing today is to determine whether or not we will be safer if we turn the clock back and repeal the ban on military style assault weapons. The question is whether we will be safer if there are more military style assault weapons out on the street. These weapons have one purpose and that is to kill many people quickly. The overwhelming evidence is that they are very

unlikely to be used for self-defense, but very likely to be used for crime.

The ranking minority member, Mr. Schumer, cautioned us against using anecdotes, and I again want to remind people to be cautious about anecdotes because we could prove that seat belts in cars do not work and have a list of witnesses that come and say that people were killed because they had their seat belt, on or survived because they did not have their seat belt on. However, we know that the overwhelming evidence is that statistically you are much safer with your seat belt. So we have to be cautious about anecdotes, Mr. Chairman, and I look forward to the evidence that we hear today.

Mr. MCCOLLUM. Well, thank you very much, Mr. Scott.

Again, I wanted to be very brief with anybody, and I hope some will not take their time. I am going to encourage nobody taking it.

Mr. Coble, do you have anything you wish to say that you have a burning passion about?

Mr. COBLE. I have no burning passion.

Mr. MCCOLLUM. All right. Ms. Jackson Lee, I knew you wanted to take 30 seconds. You would like to say more, and I apologize, but whatever you can do, please.

Ms. JACKSON LEE. Yes, I do have a burning passion, and I clearly believe that the hearing today may well be, Mr. Chairman, one of the most important hearings during my short tenure in Congress. The issue of guns and violence is an issue I have struggled with as a member of the city council in the city of Houston and as a former judge.

This hearing is so very important because we can lift up statistics and emphasize one issue over another and what is more valuable, but I would say simply to you as a mother, as an American, I believe life is valuable. I certainly can applaud those who have come to acknowledge that they have defended themselves and I would certainly not take that away from them. But my heart goes out to those who have lost loved ones in this gun violence society.

And I would simply remind you the statistics dealing with children are staggering. According to the National Center for Health Statistics, in 1993, 247 children and teenagers were murdered; 1,436 children committed suicide with the use of a gun, and 551 children died due to an accidental shooting.

As a member of the city council in the city of Houston, I worked very hard to get a gun safety and responsibility ordinance. I know what it means to be safe with guns. And we saw a 50-percent decrease in accidental shootings.

But that is not the only issue, Mr. Chairman, and I appreciate this hearing. I hope that we will come this morning simply for the facts, and that I will not have to read hearings and see in newspapers in Houston one more child dead behind a gun and hear the plea of a father who simply asked what are we trying to do with a concealed weapons bill in the State of Texas, what do they think will happen, just wait until that gets passed and see what violence will come about. We know the States that have had it are not simply States free now because they have people walking around carrying guns.

I join in to simply say I am here to listen and to learn, and I hope we will not match statistics and stories. I hope we will do what is right for the American people, and certainly I believe that we should draw the line and not repeal the assault weapons ban, for we are a country of laws, and the Constitution and the right to protect ourselves, but I think, truly, we must be a country that advocates life.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

This hearing today may very well be one of the most important hearings during my short tenure in Congress. The issue of guns and violence is an issue that I have struggled with as a member of the city council of the city of Houston and as a municipal judge in Houston. This hearing is important because I believe that this may be the first step in the 104th Congress in an effort to repeal the ban on assault weapons that passed Congress last year.

Like all Americans, I believe that crime and violence is literally destroying the social fabric of our society. However, I also believe that the prevalence of firearms in our communities is helping to create this climate.

I am particularly concerned about the effect of guns on the lives of children. The statistics are staggering. According to the National Center for Health Statistics, in 1991, 3,247 children and teenagers were murdered, 1,436 children committed suicide with use of a gun, and 551 children died due to accidental shootings. In Houston, I introduced the gun safety and responsibility ordinance and worked hard with the mayor and my council colleagues to get that ordinance passed. It resulted in a 50-percent decrease in accidental shooting deaths of Houston children.

As our Nation has become increasingly violent, many adults have purchased guns with the intent to defend themselves against this onslaught of crime and violence. However, from many of the reports that I read, I am not sure whether the purchase of a firearm makes individuals and families safer or increases their chances of being harmed by their own firearms. I know that many Americans will argue that if safety is the only concern, then, let us advocate training opportunities for individuals to learn the "proper use and care" of a firearm.

I do not believe that it is merely a matter of instructing individuals on how to use a firearm. It is very clear to me that many of the homicides in our country are caused due to disagreements among family members or friends that subsequently result in a violent act involving a firearm. In fact, I brought many documents to this hearing today that clearly show the danger of guns in the hands of many people.

As I examine the witness list, I know that many of you may have a personal story of how you successfully defended yourself and your families from harm. However, I assure you that there are an equal number or even a greater number of stories whereby the use of firearms has resulted in unspeakable tragedies. I respect your right to own firearms to defend your home and families. I will listen closely to the testimony. I thank the witnesses for participating in this hearing.

However, I must be honest and inform you that I believe that the ban on certain assault weapons was reasonable. No one really needs some of the weapons that were banned to defend their homes and their families.

I hope that this hearing will be informative and challenging and help us find ways to reduce crime and violence so that all citizens can live without fear in their own homes and communities.

Mr. MCCOLLUM. Mr. Heineman.

Mr. HEINEMAN. As difficult as it is, Mr. Chairman, I will not make a statement at this time.

Mr. MCCOLLUM. All right. How about Mr. Bryant?

Mr. BRYANT. Mr. Chairman, I have a burning desire, just briefly.

Mr. MCCOLLUM. All right.

Mr. BRYANT. Mr. Chairman, I want to reframe the firearms debate. I am tired of hearing about how we need more and more laws

to restrict gun ownership. I am here today on behalf of the people who I represent back in Milan, west Tennessee, and I assure, Mr. Chairman, most agree when I say our legal system needs to impose and enforce stricter penalties upon those who commit the violent crimes and stop imposing measures which do nothing to deter these violent criminals from carrying out their rampant behavior. My constituents are tired of being victims. They are tired of being scared. They are not asking their leaders for more gun control; they are asking their leaders for more crime control. Thank you very much.

Mr. MCCOLLUM. You are welcome. Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

I guess I have burning passion. My burning passion is not to have this issue politicized. My burning passion is to make good, sound constitutional public policy, and my burning passion is to evaluate all the facts and law on all sides of this issue, and if that is what this series of hearings is about, those three things, then I want to commend the Chairman for conducting these hearings.

I would express some reservations about whether that is what this is about, along the lines that have been expressed by my colleague, Mr. Scott. I am not sure how any of those passions that burn within me are served by a bunch of anecdotal testimony, but I will try to keep an open mind and I hope that we can be rational about this and not let our emotions and burning passions on one side of the issue or the other guide public policy.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Well, thank you, Mr. Watt. Mr. Chabot.

Mr. CHABOT. Mr. Chairman, briefly. The witnesses summoned here today bring the focus of this debate back where it belongs, back to the victims of crime and back to those law-abiding citizens who are determined not to become victims.

We have to direct our anticrime legislation against criminals and not against the average citizens who do not victimize others, but who simply want to be left alone. I am all for protecting our citizens from violence. The way we accomplish that is to lock up violent criminals, not to take away the rights of law-abiding American citizens. Thank you.

Mr. MCCOLLUM. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman, it has been my honor to serve as chairman of the Firearms Legislation Task Force at your request and at the request of Speaker Gingrich to refocus the national debate on protection and the proper role of government in protecting its citizens where it ought to be, but for far too long has not been and that is focused on criminals and the use of firearms by criminals rather than on the rights to self-defense and self-preservation and self-protection by American citizens.

For far too long, Mr. Chairman, the other side, the gun control lobbyists and their representatives in this Congress, have defined the public debates. However, Mr. Chairman, in reality, this debate in 1995 was really defined 204 years ago with the passage in 1791 of the second amendment to the Constitution of the United States.

To my colleagues on the other side, and particularly to my colleague from New York, I say, Mr. Schumer, open your eyes. Look

around you. Look at these people here today. They are not extremists. Read your history. Read your Constitution. Our Founding Fathers, the draftsmen of that great document that continues to remain the foundation for all of our liberties were not extremists. These men and the men and women that are here today implore this Congress to place this issue in proper perspective are not extremists. They are average men and women, average citizens who are crying out for the right to be recognized in this Congress at long last; that they do indeed have constitutional rights and that ought to be preserved and protected.

I also say to my colleagues on the other side, you do not have a monopoly on compassion, you do not have a monopoly on understanding the anguish that victims of crime and potential victims of crime go through. We do, too. We have that same compassion. We have that same understanding, and it is that compassion and that understanding for victims of crime that brings us here today to say to the American people at long last you will have in this Congress, I firmly believe, champions of self-defense, champions of compassion for the rights of American citizens and the men and women in this country to protect themselves and to look to government for it to fulfill its proper role, its very proper role, in helping to protect us and not to protect the criminals.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. You are welcome, Mr. Barr.

We want to welcome our special guest today who is sitting in with us, although not a member of the subcommittee. Ms. Chenoweth, any statement you wish to submit will be put in the record and you will have an opportunity to ask questions after the members have finished in each of these panels.

It is now my privilege to introduce our first panel of guests today. As I call your name and introduce you, please take your seat at the witness table.

Our first witness is Sharon Ramboz, who currently lives in Walkersville, MD, and is employed as a paralegal legal secretary at a company in Rockville. Would you please come forward?

Mr. Rigsby is from Atlanta, GA, and is currently a computer programmer, married with two children.

Our third witness is Todd Bridges. Mr. Bridges is the general manager of a Midas muffler shop in Wichita, KS, also owns a trailer manufacturing plant.

Next is David Joo. Mr. Joo, am I pronouncing that correctly?

Mr. JOO. Yes.

Mr. MCCOLLUM. Please come forward, Mr. Joo. Married with two children and resides in Los Angeles, CA. Also, an employee of the Western Gun Shop and worked there at the time of the Los Angeles riots.

Our fifth witness is Charmaine Klaus. Ms. Klaus has been married for 38 years, is a grandmother of 12, and lives in Michigan. She is a respiratory therapist and she has won national awards for making Civil War gowns.

Our sixth witness is Gary Baker. Mr. Baker is married with four children and resides in Richmond, VA. He opened his jewelry store, Beverly Hills Jewelers, in September 1987.

Our next witness is Phil Murphy from Tucson, AZ. He is currently a researcher and manuscript proofer for a firm in Tucson, which translates Russian physical and optical science materials for the American education community. He is also a freelance writer.

And, finally, our eighth witness is Travis Neel. Mr. Neel was recently named Harris County citizen of the year for 1994. He has also been named honored hero of the Mexican American Deputies Sheriffs Association, and honored hero of Houston's Civic Law Support Group, or the 100 Club, I guess it is called. Mr. Neel resides in Katy, TX.

We want to thank each of you for coming today and taking the time to spend with us to discuss with each of us your personal experiences. And I am going to call on you in the order in which you were introduced to give your testimony.

First, Ms. Ramboz. There is a microphone you will need to pull in front of you that is up there. You are the guinea pig this morning. I hate to put you first in one sense but somebody has to go first and you are it. So you will have to turn it on. I think there is a switch at the bottom there, too. And now it is on, thank you for coming and please proceed.

STATEMENT OF SHARON-JO RAMBOZ, WALKERVILLE, MD

Mr. RAMBOZ. Thank you. My name is Sharon-Jo Ramboz of Walkersville, MD, and I thank this subcommittee and especially Congressman Bartlett for asking me to testify and tell my story.

There are literally millions of stories involving people and firearms in this great country. Whether these stories are simply about recreational shooting or hunting or self-defense and criminal attack, Americans have had a profound relationship with firearms dating back centuries well before this Nation or I was born.

My story did not begin until the 1970's. I was a teenager and I was home from school one day, and after getting out of bed and walking around the house I had heard someone upstairs. My father worked unusual hours, shift work, and I assumed it was him. I had no reason to panic. I called my mother at work to check in with her as I normally would, and in the course of the conversation I asked her when dad was going to work. My mother said that your dad is already at work, why are you asking. I said, no, he is not, Mom, he is upstairs.

Well, we did not finish the conversation. That was the last thing my mother heard. There were steps leading up from the kitchen where I called to their bedroom, to my parents' bedroom, and this person came running down the steps at that point. I think we kind of both surprised each other. I am not sure he knew I was there at the beginning. He took the phone from me and hung it up. He beat me very badly and the last thing I can remember was his hands around my neck. He was going to strangle me to death. He didn't want me to identify him, I presume.

But there was a point where I was laying on the floor and his gun was set down near me and I remember he was looking at me and I was looking at him and the gun and it was as though it was, go ahead and grab it. He knew I was terrorized and it was as though he knew I was as much afraid of the gun as I was of him. And since I had been raised that guns kill and guns hurt and guns

are bad, I was scared to go for it. I could have probably grabbed it, knowing what I know today, and shot that man, but that is what I would do today, not when I was afraid of guns.

I physically survived the attack; however, I did not emotionally survive it. I ended up somewhat losing it. Everybody at school knew about it. Everybody talked about it. I did not show up at school simply because I could not handle what was being said. I could—it was not the type of celebrity I wanted to be. And eventually that year I dropped out of school because of it. I graduated later with a GED. But my whole life had fallen apart. I began to have fears. I would not, even as an adult, would not be home alone. I would not be alone anywhere. I was just plain petrified.

My husband—later I got married—and my husband was a recreational shooter and hunter, which went over well. I did not want guns in the house. And he went out on that and he really wanted me to learn to shoot. The more I resisted, the more he insisted, and this went back and forth for some time, but as a former crime victim, self-protection was paramount. I had children now, and that was how his argument went.

Finally, I agreed. I gave in and I learned to shoot. My husband taught me very strict, safe responsible gun handling, and we taught that together to our children. I grew more confident and I became efficient with the firearm.

Then one time, years later, I had three children at this point, and somebody—my husband—I was staying home, taking care of the children. My husband left for work at 5:30. At 5:40, because I remember looking at the clock, wondering who was downstairs, as my husband left, two doors were broken into and there were people in the house downstairs. At that point we had only lived there 2 months and we didn't even have a phone upstairs yet and the children were sleeping.

But is was different this time. My husband had not just taught me to use the gun, we had had drills. He had said what if this happens, what if that happens, what if they are here, what if they are there, how will we do this. And I remembered immediately clicking in like it was another drill only this time it was real but I had to treat it like the drill. And I walked into our closet where we had a gun safe, opened it and took out my AR-15. It was a semiautomatic chambered in a 222 Remington.

I inserted the magazine and I knew, because of the drills, that I didn't want to wait for them to come right to that room because I didn't want to shoot through walls; I had children in other rooms. So I walked to the top of the steps where they would have had to come after me. And then I pulled back on the bolt. In letting it go, I chambered a round.

Now, for those of you that don't know, that is a very distinctive, very loud, offensive sound. You know it is not a handgun. And that was all it needed. They didn't bother to do anything else. All I heard were feet going. I could see the one running out the one door. I don't know who all went out the other door. But they were gone. They didn't want to mess with it, they didn't even want to see what I looked like. They could tell from the sound that that was trouble.

The semiautomatic rifle I used is a gun identical in function to firearms lawfully owned by millions of Americans. This gun, I be-

lieve, saved my life. It was after the attack when the police showed up that they told me that this had been very professionally done. They knew how to get in fast. They knew I was there alone. They knew my husband was gone. And I think about it and I think what would I have done if I didn't have that gun. I know even if I could have had a phone there, even if I called the police, the first time, by the time I hung up that phone and my mother called the police right away, by the time those police got to me, I was already laying there unconscious. He was already gone. I could have been dead. He thought I was. There were still marks on my neck. And even if I had had a phone, I don't think it would have made a difference what would have happened to me and the children.

By the way, there is my oldest sitting right there, Jason, and I would really like it if you would look. I brought pictures of my sweeties and my girls. I will take any opportunity to show them off.

Mr. MCCOLLUM. Well, every mother is proud of their kids and we understand that, Ms. Ramboz.

Ms. RAMBOZ. But the point I am making is that the only other thing I would have been able to do was crawl in the corner or stand there and scream like the first time. But, instead, there was not any feeling of panic, there was not any feeling of, oh, my God, what am I going to do; how do I get out of here. I knew I was safe and I protected my children, and my children did not have to live years of fear, they didn't have to live without a mother, and they lived. If they knew we were there, it was like the policemen said, they had plans. They would have been upstairs. Whether they would have raped my daughters, take my children, beat me, God only knows that, but they were men, they were in my house, they didn't belong there, and they didn't like my weapon.

I will tell you that at first I didn't want to come here today because that original memory is very difficult for me to remember. Even though it has a happy ending, it was a hard time for me. But the idea that my daughters, my son might not be able to purchase this weapon, might not be able to protect themselves in the same instance in the way this world is going, I want my kids to have protection. That scares me more than sitting here right now. Don't make my children victims. Taking this away is what that would do.

And since that time, I have been able to—I have learned to shoot many guns. We have them safe, in a safe. My children have learned to shoot safely. It has become—it has become a hobby to go to the range and enjoy it and relax. And I have learned that guns are not bad. What is bad is people that use them wrong. If people wanted to really hurt me and they don't have a gun, they have a knife. They have lots of other ways. And children, unfortunately have lots of other ways unfortunately to kill themselves, but—and there are lots of other unsafe things in this world, but this is my safety and I want to keep it.

Mr. MCCOLLUM. Well, thank you very much for coming. I know it is difficult. Several of you may find it that way this morning, and we really appreciate the fact that you are willing to come and experience what you have done and share it with us. We appreciate that.

[The prepared statement of Ms. Ramboz follows:]

PREPARED STATEMENT OF SHARON-JO RAMBOZ, WALKERVILLE, MD

My name is Sharon-Jo Ramboz of Walkersville, Maryland, and I thank this subcommittee and especially Congressman Roscoe Bartlett for asking me to testify, to tell my story.

There are literally millions of stories involving people and firearms in this great country. Whether these stories are simply about recreational shooting or hunting or self-defense and criminal attack, Americans have had a profound relationship with firearms dating back centuries, well before this nation was born.

My story, however, did not begin until the 1970s, when I was in high school. After getting out of bed one weekday morning and moving about my house, I heard someone upstairs. This didn't alarm me because I assumed it was my dad. He worked unusual hours. I called my mother at work to check in with her as I normally would and in the course of the conversation I asked her when dad was going to work. My mother explained that my dad was already at work. I responded, no he's here.

We never finished the conversation. I began screaming because I saw a man running down the stairs toward me. When he reached me, he took the phone and hung it up. He then proceeded to beat me. The last thing I remember is his hands around my neck and me laying on the floor. His gun was laying near enough to me, for me to try to reach it. It was almost as if he was daring me to pick it up.

He could see that the terror in my eyes was almost equally divided between his face, hands, and his weapon. He seemed to know that we were a non-gun-owning family and presumed, quite correctly, that I was afraid of guns.

After beating me, he left, leaving me for dead.

I physically survived the attack, however, I lived in total fear of the assailant's return and was constantly reminded by my school peers that I had been victimized. In fact, I was unable to finish the school year because this attack had destroyed my emotional stability.

It was soon after I was married that my husband, a recreational shooter and hunter, insisted that I learn to shoot.

I resisted. He insisted. I did not even want a gun in the house.

The back-and-forth went on for some time. As a former crime victim, self-protection was paramount, or so his argument went. Safety was also paramount, I would counter.

After all, we had three young children.

Finally, I acquiesced. My husband taught me safe, responsible gun handling. Both of us taught our children respect for firearms.

I grew more confident and became proficient with the firearm.

Then there was an intrusion. Another criminal attack. Another assault in progress. In the aftermath of the attack, police reported to me that the criminals were professionals and that they were obviously well aware of the fact that the children and I were alone. The break-in was timed minutes after my husband left the house for his job.

I woke up as the assailants broke in and I calmly walked to our closet where the firearm was stored. I grabbed my Colt AR-15 semiautomatic rifle chambered in .223 Remington. I inserted the magazine while I was in the closet. I walked to the top of the stairs. Then I pulled back the bolt, and, letting it go, chambered a round.

That distinctive sound -- indeed, that sound and the distinctive appearance of this firearm -- was all I needed to protect four innocent lives and send multiple perpetrators scurrying.

As in most self-defense uses of guns, no shot was fired.

I used a semiautomatic rifle -- a gun identical in function to firearms lawfully owned by millions of Americans. I am convinced that this gun, indeed its features and appearance, saved not just my life, but the lives of the three most important people on earth. My children.

I was well trained with this rifle and I would not have felt as secure and confident with a handgun. I still think about today what might have happened to my children and me and the trauma that my children might have had to live with if I could not have defended them. I wonder if I would even have my children today.

So convinced of the importance of this particular rifle and the overall issue of self-defense and Second Amendment rights, I actually became bold enough to visit members of my state legislature when Maryland was considering banning the rifle I used to save lives. I remember telling my story to state lawmakers.

My husband and I agreed then -- and we agree today -- that telling my story was -- and is -- the right thing to do. I hope you, Members of Congress, can be bold enough to do the right thing. The right thing is, vote to safeguard our right of self-defense. The right thing is, vote to uphold our Second Amendment rights. The right thing is, vote to repeal the Clinton gun ban. The right thing is, go after the animals who prey on women and children, not the woman trying only to protect her family and her rights.

Thank you.

Mr. McCOLLUM. Mr. Rigsby.

STATEMENT OF BRYAN RIGSBY, NEWNAN, GA

Mr. RIGSBY. First of all, I would like to thank you for the opportunity to address the committee today. The events I am about to describe have forever changed my life and have deeply affected my family. But as difficult as this period of time was for all of us, I feel that the issues raised are important, especially in today's political climate.

It began on Saturday, November 24, 1990. I want to go camping so I called a friend of mine, Tom Styer. I didn't give him a whole lot of notice but he agreed to go anyway. I said goodbye to my wife, Mary, and left to pick up Tom.

Because we did get such a late start and we got lost in unfamiliar territory, it was after dark before we arrived in the Oconee National Forest. It is an area east of Atlanta. We had chosen this area because there was a public rifle range there and we could go target shooting the next day.

We set up our camp not far from the range. By the light of the lantern, we pitched our tent and went about building a campfire. As we settled in, we got the camp set up, we heard the sound of a diesel engine. It was a work truck, a pickup truck.

Two men got out of the truck and introduced themselves, explaining that they were just riding around to meet people. They were overly nice, even insisting to cut firewood for us. They stayed around at least an hour and they told us all about themselves. They had grown up in the area and knew the woods there like the back of their hands.

While they were there, I was very uncomfortable. Something just didn't seem right. They were just too nice. I even thought about moving the camp after they left but after about 30 minutes we heard the distinctive sounds of their truck coming back down the only road out over there.

But instead of riding right up to our camp like they did the first time, the truck stopped up the road about 100 yards. We heard the doors open and then we started hearing sounds of something coming through the woods toward us. Tom and I both were very concerned.

I grabbed my rifle that I brought to shoot targets. It is a semi-automatic Ruger Mini-14 loaded with a 30-round magazine. I took cover behind my truck. Tom, who was closest to the direction they were coming, just knelt down in the shadow of our tent, the shadow from the lantern. He was armed with a .45 semiautomatic pistol.

I really just couldn't believe that this was happening. I was trying to listen for the men coming through the woods. But just about all I could hear was the sound of me breathing and my heartbeat. I was just thinking about my family and my wife.

It was Tom that saw the first man. One of the men came into the light armed with his double-barrelled shotgun pointing it toward where I was. Afraid I would be shot if I raised my head, my friend Tom bravely spoke up, asking the man why he had come back with his gun. The man responded by aiming the gun in Tom's direction and saying, I am going to kill you.

Hearing their voices, I raised up to see the man pointing the shotgun at Tom. Tom told him to drop the gun but without another word the predator fired at Tom.

My next memory is of the front sight of Mini-14 centered on his assailant's chest. I fired twice. Knowing that I had 30 rounds, I immediately fired six or seven more rounds towards the second attacker. Even though I was partially blinded by the flash of my own rifle, I had determined his general location by the direction he was coming in and by the flash from his shotgun. All I could think of was just to fire enough to make them back off, to stop the attack. I dropped down behind my truck again and I looked underneath it across the camp. I yelled out for help as loud as I could but nobody answered. I called out to Tom, but he didn't answer me either.

The man had fired from too close. They were right on us. I just knew that Tom was dead. I could tell that the first man was down and he was no longer a threat but the other gunman was still out there somewhere. I tried to see him or hear him but I couldn't. I couldn't see Tom either and he still didn't respond to any of my calls.

As I started backing away from the camp, I could see a lantern way off to my left through the woods. Thinking that Tom would need help as soon as possible if he was still alive and fearing the second man who was also out there and there could have been more, I ran toward the light to get help. The light turned out to be a light at a hunting camp about 300 yards away. One of the hunters went for the police. When the police arrived, they didn't know what had happened and they placed me under arrest. They returned me to the scene of our campsite and finally informed me that Tom had only suffered a leg wound and would be OK.

He had not answered me because he was so close to the assailants and he was afraid of giving away his position. The would-be murderer that shot Tom was hit twice and died at the scene. I also shot his accomplice twice. He was seriously injured but survived. Both of the men carried 12-gauge shotguns loaded with potent 3-inch magnum buckshot and both had fired at us but in the time it took me to fire the nine rounds, the gun battle was over. After giving our statements to the police, we were free to go. We were not charged with any crime.

In a statement to the police later, the surviving gunman admitted they were there to rob us. They had planned the robbery while smoking crack after the first visit to our campsite. The police were convinced that we would also have been murdered. When the men introduced themselves, they had used their real names. They drove a truck owned by their employer with the employer's name on the side. They would not have left us as witnesses. And what else could be more clear than the statement made by the gunman himself, I am going to kill you.

Along with the stress of the incident itself, we were also threatened with civil action. An attorney threatened me with a lawsuit if I didn't say the shooting was an accident. Obviously, they would have affected the outcome of their insurance claim. I refused and finally, and fortunately, the threats never materialized.

The reason that I am sharing this story with you today is to illustrate one of the most often ignored and, to me, the most impor-

tant reasons to own a semiautomatic firearm, and that is self-defense. But hearing concerns the ban of so-called assault weapons, and my rifle is not on the list. I believe this shows one of the more ridiculous aspects of the bill.

My rifle uses the same cartridge as several of the guns on the list, including the AR-15. It also has the same basic firing mechanism and it can also accept as big a magazine as any of the listed guns. So why is it not on the ban list? Because someone, who had no idea what they were doing, decided the list of guns looked like bad guns and my gun looked like a good gun. Of course, if I make a few cosmetic changes, it may be functionally identical to what it is today but then it will be a bad gun.

But the ban really does not have any affect on anyone getting the same type of gun I use; right? That is wrong. First of all, the ban has driven prices up on most semiautomatics, even those not on the list. The prices have really just gone through the roof. I could not afford to buy my rifle at today's prices. And even if I could, the 30-round magazines that were covered by the ban are at least three times the cost, if you can find them.

I guess the thing that bothers me the most about this law, besides the fact it does nothing to reduce crime, is what it represents. To me, it is the first of many planned steps in eliminating the rights of the law-abiding citizens to own the firearms they find suitable. Who knows when my gun, currently one of the good guns, will become a dreaded bad gun.

I believe the focus should instead be on the failure of our revolving door criminal justice system to control violent criminals. Passing more laws that the criminals will choose to ignore wastes all the resources of those involved from the Congress down to the local police. The police do a good job finding and arresting the criminal, but prison overcrowding and early releases have turned hard time into a joke. These additional gun laws will only serve to further erode the rights and freedoms of law-abiding Americans and make us all more vulnerable to crime. Thank you.

Mr. MCCOLLUM. Thank you, Mr. Rigsby.

[The prepared statement of Mr. Rigsby follows:]

PREPARED STATEMENT OF BRIAN RIGSBY, NEWNAN, GA

First of all, I would like to thank you for the opportunity to address the committee today. The events I am about to describe have forever changed my life, and have deeply affected my family. But as difficult as this period of time was for us, I feel the issues raised are important, especially in today's political climate.

It began on Saturday, November 24, 1990. I wanted to go camping, so I called my friend, Tom Styer. Even though I didn't give him much notice, he agreed to go with me. So early that afternoon, I said goodbye to my wife Mary, and left to pick up Tom.

Because of the late start, and getting lost in unfamiliar territory, it was after dark before we arrived in the Oconee National Forest. We had chosen this area because there was a public rifle range there, and we could go target shooting the next day.

We set up camp not far from the range. By the light of my lantern, we pitched the tent and went about building a campfire. As we settled in, we heard the sound of a diesel engine. A pickup truck pulled right up to our camp. It was a work truck, with the name of a business on the side.

Two men got out and introduced themselves, explaining that they were riding around just to meet people. They were overly nice, even insisting to cut firewood for us. They stayed at least an hour, telling us all about themselves. They grew up around there, and knew the woods like the back of their hands.

I was uncomfortable. Something just didn't seem right. I was relieved when they finally left. I even thought about moving the camp. But after about thirty minutes, we heard the truck coming back down the only road out.

Instead of coming back to the camp, the truck stopped up the road about 100 yards. We could hear faint sounds of leaves rustling as the two crept towards our camp. Tom and I both began to worry.

I grabbed a rifle that I brought to shoot targets, a Ruger Mini-14 loaded with a 30-round magazine. I took cover behind my truck. Tom knelt in the shadow of our tent, armed with a .45 pistol.

I couldn't believe this was happening. I tried to listen for the men, but couldn't hear much of anything over the sound of my breathing and the pounding of my heart. I thought about my wife and family.

It was Tom that saw him first.

One of the armed men came into the light of the camp, pointing his double-barrelled

shotgun towards my position. Afraid that I would be shot if I raised my head. Tom bravely spoke up, asking the man why he came back with a gun. The man responded by aiming the gun in Tom's direction and saying "I'm going to kill you."

Hearing voices, I raised up to see the man pointing the shotgun at Tom. Tom told him to drop the gun. Without another word, the predator fired at Tom.

My next memory is of the front sight of my Mini-14 centered on the assailant's chest. I fired twice. Knowing that I had 30 rounds, I immediately fired six or seven more rounds towards the second attacker. I was partially blinded by the flash of my rifle. I determined his location by the flash from his firing gun. All I could think of was to fire enough to scare them off, to stop the attack.

I dropped back down behind the truck, looking underneath it across the camp. I yelled for help, but nobody answered. I called out to Tom, but he didn't respond either.

He fired from too close--I knew Tom was dead.

I could tell that the first man was down and no longer a threat. But the other gunman was still out there, somewhere. I tried to see him, or hear him, but I couldn't. I couldn't see Tom either, and he still didn't respond to my calls.

As I backed away from the camp, I could see a lantern through the woods. Thinking that Tom would need help as soon as possible, and still fearing the second man, I ran towards the light to get help. It turned out to be a hunt camp about 300 yards away.

One of the hunters went for the police. The police arrived, and not knowing what had happened, placed me under arrest. They returned me to the scene, finally informing me that Tom had suffered a leg wound, but would be okay. He had not answered me because he was also afraid of the second attacker.

The would-be murderer that shot Tom was hit twice, and died at the scene. His accomplice was also hit twice, but survived. Both of the men carried 12 gauge shotguns loaded with potent three-inch magnum buckshot, and both had fired at us. But in the time it took me to fire the nine rounds, the gun battle was over.

After giving our statements to the police, we were free to go. We were not charged with any crime.

In a statement to police, the surviving gunman admitted that they were there to rob us and had planned the robbery while smoking crack after their first visit to our campsite. The police were convinced that we would have also been murdered. When the men had introduced themselves, they used their real names. They drove a truck owned by their employer. They wouldn't have left us as witnesses.

And what else could be more clear than the statement made by the gunman--"I'm going to kill you."

Along with the stress of the incident itself, we were also threatened with civil action. The attorney threatened me with a law suit if I didn't say the shooting was an accident. Obviously, this would have affected the outcome of the insurance claim. I refused and fortunately the threats never materialized.

The reason I am sharing this story with you is to illustrate the most often ignored, and to me the most important, reason to own a semi-automatic firearm--self-defense.

But this hearing concerns the ban of so-called "assault weapons", and my rifle is not on the list.

This shows one of the more ridiculous aspects of the bill. My rifle uses the same cartridge as several of the guns on the list. It also has the same basic firing mechanism. And it can accept as big a magazine as any of the listed guns. So why is it not on the banned list? Because someone who had no idea what they were doing decided that the listed guns looked like "bad" guns, while mine looked like a "good" gun.

Of course, if I make a couple of cosmetic changes, it may be functionally unchanged, but will then be a "bad" gun.

But the ban really doesn't have any effect on anyone getting the same type of gun as I used, right?

Wrong.

First of all, the ban has driven prices on most semi-autos, even those not on the list, through the roof. I could not afford to buy my rifle at today's prices. And even if I could, the 30-round magazines are at least three times the cost if you can find them.

I guess the thing that bothers me the most about this law, besides the fact that it does not reduce crime, is what it represents. To me it is the first of many planned steps at limiting the rights of law-abiding citizens to own the firearms that they find suitable. Who knows when my gun currently a good gun, will become a dreaded bad gun.

The focus should instead be on the failure of our revolving-door criminal justice system to control violent criminals. Passing more laws that the criminals will choose to ignore just wastes the resources of all those involved, from the Congress down to the local police. The police do a good job finding and arresting the criminal, but prison overcrowding and early releases have turned "hard time" into a joke.

These additional laws will only serve to further erode the rights and freedoms of law-abiding Americans, and make us all the more vulnerable to crime.

Mr. McCOLLUM. Mr. Bridges. You will need to turn that on. Maybe it is on. I believe it is.

STATEMENT OF TODD BRIDGES, WICHITA, KS

Mr. BRIDGES. I appreciate the subcommittee having me here today. My name is Todd Bridges and I manage several Midas Muffler shops in Witchita and Hutchinson, KS.

In 1992, I used a firearm to defend myself from criminal attack. Now, that is not so unusual. Criminologists say it happens more than 2.5 million times each year. But what might surprise some Members of Congress is that the gun I used to stop the crime was a gun I had bought that very same day. So you see how well the waiting period would have protected me from harm.

What is more, the gun I chose to protect myself with is a gun banned last year; a so-called assault rifle. It was not chosen because of its fire power. On the contrary, I chose it specifically because it was less powerful than the rifles I already owned and very well suited for defense.

Here is how it all happened. It started in March 1992 when four times in one week burglars broke into muffler shops I manage and stole tools from my employees. The police had not caught anybody and, of course, they could not be everywhere at the same time. So I knew I had to do something. I couldn't have thieves stealing all my employees' tools night after night. It was literally bringing my business to a standstill, so I was forced to protect one of the shops myself and wait for the thieves to strike again.

To protect myself, I bought a Colt AR-15 Sporter semiautomatic rifle. As you know, this firearm was banned by name under last year's crime bill. Friend asked me why I bought the gun. After all, they said, I already owned shotguns and hunting rifles that would have worked just fine, but I didn't think so. No, I chose the AR-15 for its intermediate power cartridge, not just because it was rugged or reliable, but because if I had to defend my life, I could wound my assailant, not cut him in half, as a shotgun would have. I also wanted the security of a 3-round magazine so that I was confident I could handle any threat.

That's right, the reality lost in last year's crime bill rhetoric is that most so-called assault rifles—semiautomatics which are modeled after similar military models—are intended not to kill but to wound. After all, military scientists know for every soldier wounded on the battlefield, two more have to take care of them. So where killing removes one soldier, wounding removes three.

So I used an AR-15 instead of my deer rifle or instead of a shotgun loaded with buckshot. After all, I didn't want to kill anybody for the sake of stolen tools.

As it turned out, a burglar broke into the shop the night I stood watch. He was toward the back of the shop in the shadows, and I could see a crowbar and some other object in his hands when I ordered him to halt. But he didn't. I didn't want him to take cover behind the tool chests, where he could shoot at me, so I fired, and the AR-15 performed just as it was supposed to. The burglar was wounded and carted off to the hospital. The crime was stopped and my employees' tools, and thus their livelihoods, were protected.

Now, there are a few points I want to emphasize in this story.

First of all, despite their efforts, the police couldn't protect us. I actually saw the police drive through the parking lot between the time he first tried the doors and woke me up and the time he broke the window. Criminals time their efforts to avoid the police. The criminal justice system couldn't protect us either. The burglar I caught was in my muffler shop—burglar I caught in my muffler shop was out on parole, and already on his fourth conviction for burglary. Even after his arrest and conviction, he was never reincarcerated. In fact, he was even arrested attempting to break into one of my competitor's shops a few weeks later.

So far as he was concerned, arrest and conviction were just an everyday part of employment, and chances are he is still in business right now. I felt I had no choice but to protect my property, myself, and the bottom line is, when you are up against an armed, dangerous criminal who means to do you harm, there is simply no substitute for a firearm.

Finally, one last word about the so-called assault rifles banned by the 1994 Crime Act. They are not machineguns, they cannot spray bullets, they are not battlefield weapons. And according to the FBI, rifles of all types are used in fewer homicides than even fists or feet. Aside from appearance, they are really no different from any other semiautomatic firearm that has been around since the 1990's.

[The prepared statement of Mr. Bridges follows:]

PREPARED STATEMENT OF TODD BRIDGES, WICHITA, KS

My name is Todd Bridges and I manage several Midas muffler shops around Wichita, Kansas.

In 1992, I used a firearm to defend myself from criminal attack. Now, that's not unusual -- criminologists say it happens more than 2.5 million times each year.

But what might surprise some members of Congress is that the gun I used to stop the crime was a gun I had bought that very same day. So you see how well a waiting period would have protected *me* from harm.

What's more, the gun I chose to protect myself -- a gun banned last year as a so-called "assault rifle" -- wasn't chosen because of its firepower. On the contrary, I chose it specifically because it was less powerful than the rifles I already owned. Here's how it all happened:

It started in 1992 when, four times in one week, burglars broke into the muffler repair shops that I manage and stole tools from my employees. The police hadn't caught anybody. And of course they couldn't be everywhere at the same time. So I knew I had to do something.

I couldn't have thieves stealing all my employees' tools; as you'd guess, that can really ruin morale in the shop. So I decided to protect one of the shops myself, and wait for the thieves to strike again.

To protect myself, I bought a Colt AR-15 Sporter semi-automatic rifle. As you know, this firearm was banned by name under last year's crime bill.

Friends asked me why I bought the gun. After all, they said, I already owned shotguns and hunting rifles that would have worked just fine. But I didn't think so.

No, I chose the AR-15 and its intermediate power cartridge not just because it was rugged, not just because it was reliable, but because if I had to defend my life, I could wound, not kill, my assailant.

That's right: The reality that was lost in last year's crime bill rhetoric is that most so-called "assault rifles" -- semi-automatics which are modeled after similar military models -- are intended not to kill, but to *wound*. After all, military scientists know that for every soldier wounded on the battlefield, two more have to take care of him. So where killing removes *one* soldier, wounding removes *three*.

So I used an AR-15 instead of a big game rifle or a shotgun loaded with buckshot. After all, I didn't want to kill anybody for the sake of some stolen tools.

Well, as it turned out, a burglar broke into the shop the night I stood watch. He was toward the back of the shop in the shadows, and I could see a crowbar and some other object in his hand when I ordered him to halt. But he didn't.

I didn't want him to take cover behind the tool chests, where he could shoot at me, so I fired. And the AR-15 performed just as it was supposed to. The burglar was wounded and carted off to the hospital. The crime was stopped. And my employees' tools -- and thus their livelihoods -- were protected.

Now, there's a few points I want to emphasize in this story. First of all, the police couldn't protect us. They're not a security guard service. And they have no responsibility to protect individuals, even if they had the ability to do so.

The criminal justice system couldn't protect us either. The burglar I caught in my repair shop was out on parole, and already on his *fourth conviction* for burglary. Even after his arrest at my shop he was never re-incarcerated. So as far as he was concerned, arrest and conviction were just an everyday part of employment. And chances are, he's still in business right now.

I felt I had no choice but to protect my property myself and the bottom line is, when you're up against an armed, dangerous criminal who means to do you harm, there is simply no substitute for a firearm.

Finally, one last word about the so-called "assault rifles" banned by the 1994 crime act: they are not machine guns, they can't "spray bullets," they're not "battlefield weapons," and according to the FBI, rifles of all types are used in fewer homicides than even "fists and feet." Aside from appearance, they're really no different from any other semiautomatic firearm that's been around since the 1890s.

Despite their menacing cosmetic features, they're generally *less* powerful and *less* deadly than the typical sporting shotgun or deer rifle.

With that in mind, I urge you to repeal the crime bill's useless gun ban and replace them with legitimate criminal justice reforms that work. The American people don't want more gun control con jobs; they want practical laws that focus on the criminal and have a real effect in reducing crime. And I believe this Congress can go a long way toward restoring the public's confidence and trust by returning to the people the freedoms, justice and security that are rightly theirs.

Thank you for giving me the chance to tell you my story today.

Mr. McCOLLUM. Thank you very much, Mr. Bridges.

Mr. Joo, I understand you would like to show us a videotape at the beginning of your presentation. Am I correct in that?

If so, if our staff would begin the tape, we could look at a very short tape. Do you need to explain it or do you just want it to go ahead and run?

Mr. JOO. You want me to explain?

Mr. McCOLLUM. It is up to you. We will just watch, if that is what you wish us to do. Well, the tape is on, but apparently we have got a long lead time in it. You can see it tracing through there. Maybe you should go ahead with your testimony, Mr. Joo, and then we can work on the tape while you are giving us the testimony, if you would, please.

STATEMENT OF DAVID JOO, LOS ANGELES, CA

Mr. JOO. My name is David Joo. I am a Korean-American, law-abiding citizen. I am a victim and witness of 1992 Los Angeles riot. I am here to testify why people need to keep their right to bear arms when they really need one, through my experience of 1992 Los Angeles riots.

Mr. McCOLLUM. I believe we have the tape already now. Do you have it ready, Eric? If you don't mind, we will go ahead and show it, Mr. Joo.

Mr. JOO. OK.

[Videotape shown.]

Mr. McCOLLUM. Thank you, Mr. Joo. Go ahead, proceed.

Mr. JOO. 1992, during the Los Angeles riot, I was the manager at a gun shop. And the store was full with many Korean business owners to buy a firearm desperately, urgently. However, State of California has 15 days waiting period required by State law. That prohibited a lot of law-abiding citizens to buy a firearm when they really needed it urgently. I was so embarrassed to tell them, come back after 15 days and pick up your weapon.

And we had lots of hassle with customers then, people who didn't understand the situation. They just needed a firearm in order to protect their families and their businesses.

In the meantime, the owner of the gun shop was called, one of his employee of his jewelry shop about three blocks away from the gun shop, he had noticed his jewelry shop was being looted. He left right away with his 30 rounds Cold AR-15 Sporter rifle and 17 rounds of Glock pistol as his side arm, as he called Los Angeles Police Department for protection.

As soon as I closed the door and locked up the door of the gun shop, I followed him with my 8-round 12-gauge shotgun and 15 rounds Beretta model 92F, which is being used by a lot of police officers in these days. And when he got there, the jewelry shop was already looted completely. But fortunately, the riot looters were not able to open the safe.

And few minutes later, four Los Angeles police officers had arrived by their two police vehicles. At the time, a lot of riot looters were across the street and they were continuously looting the other businesses. We felt safe because we were with police officers, even if there were a lot of riot looters across the street.

We finally opened the safe and started removing a lot of valuable jewelry out of safe, and into a van. At the time, a lot of riot looters saw that and they start to shooting at us. As soon as they opened fire, those four Los Angeles police officers took off. They left us behind. And our two employees got shot by riot looters. The guns were stolen during the riot by riot looters.

During the Los Angeles riot, about 10,393 guns were stolen from the gun shops. And we had to go hide and shot them back. It was self-defense. And later on, we are out of ammunitions and we have to leave there with our wounded employees. At that night, I was standing on the roof across the street as the shown pictures, and because I had to protect my gun shop, not to loot it and not to lose our guns and ammunition out of rioter looters.

Losing our guns and ammunition by looter rioters means they were armed by our guns and ammunition. We didn't like to happen. And we called police for help, but they didn't come. And later on, a few looter groups tried to break into our gun shop and we gave them around 200 rounds of warning shot and they ran away.

In the meantime, other Korean businesses were continued to be looted and most of Korean business owners called police for help, but they never responded and they never came. Later on, the police came to Koreatown and instead of depressing rioter looters, they were trying to disarm Korean merchant and arrested them, arrested them for illegal possession of firearms. Thus Korean town was totally abandoned, helplessly and defenselessly.

And in the meantime, more—we got more Korean business were busted in and more people got injured. Through the 1992 Los Angeles riot, we learned our lesson. Before we look for somebody else for protection, we must be able to protect ourselves with our own firearms. Counting on only police protection is beyond our trust now.

So we are going to have to rely on our own protection with our own weapon and firearms before we expect somebody else for protection. The riot is over, then riot won't be occurred ever again.

But State of California has allowed the possibility and potential of strong intensity of earthquake, we call the big one. Once the big one strikes State of California, we can expect anything happen, such as the arson, rape, murder, robbery, as well as looting. The old roads will be devastated and hospital and place buildings will be collapsed. Electricity and telephone lines will be disconnected, and even if we call police they will not be capable to come, even if they try to. So whatever situation comes, we must be able to protect ourselves by our own weapons. So please let us freely have a right to keep, bear arms.

Thank you for the opportunity to speak to you today.

[The prepared statement of Mr. Joo follows:]

PREPARED STATEMENT OF DAVID JOO, LOS ANGELES, CA

My name is David Joo. As a Korean immigrant and victim of the 1992 Los Angeles riots, I have seen the effects of gun control from many different perspectives.

I manage a gun store called Western Guns in the Koreatown section of Los Angeles. From that perspective, I saw how California's 15-day waiting period stopped me from selling firearms to hard-working, law-abiding citizens like myself, while all around us, gang members cleaned out gun stores, looters stole what they wanted, and rioters robbed, raped and murdered whomever they chose.

As one of the many citizens left defenseless during the riots, I came to understand why my neighbors so desperately needed guns to protect themselves from those gangs.

And as a Korean immigrant, I now see that government gun control isn't about freedom or justice or democracy. It's about the government's distrust of the people. That's what is dangerous. Before we expect anybody else to protect us, we must be able to protect ourselves. Gun control takes away that freedom.

When rioting first broke out in our part of Los Angeles, I was working in the Western Gun Shop with the owner, Richard Park, who also owned a jewelry store across the street. We were busy helping our customers when one of Mr. Park's other employees called him and told him that the jewelry store was being robbed.

Mr. Park called the Los Angeles Police Department for help. Then he took a shotgun and some handguns with him, and went across the street to his jewelry store. As soon as I could lock up and secure the gun store from the looters, I followed him there.

By the time I arrived, the jewelry store was completely looted. The rioters had nearly cleaned it out, and Richard and his employees were guarding what was left of the shop with their guns. Four L.A.P.D. officers were there with their vehicles, so we felt safe, even though the rioters were right across the street.

So then we went to the back of the jewelry store and opened the safe where the valuable jewelry was kept. The looters had stolen the jewelry in the front of the store but not what was in the safe. But as we carried that jewelry out to our van, we saw the rioters had started setting fires all around.

By then, those four L.A.P.D. officers had left. We were all alone, and the rioting mobs were closing in. Soon they started shooting at us with the guns they had stolen from other

nearby gun stores. Two of our employees got shot, and my arm was injured by broken glass in the shooting.

That night, I stood guard on the roof of the Lucky Electronics Shop across the street from our gun shop, along with several other neighbors. I had a 12-gauge riot shotgun and a Beretta 92F pistol. Another employee had a Colt AR-15 Sporter rifle.

We called the police for help, but they never came. Some looters tried to break down the door of the gun store, but we fired warning shots that drove them away. This happened many times, and before it was over we had probably fired 200 rounds of ammunition.

The Beretta pistol and the Colt Sporter rifle we used are both covered under the recent crime law that bans guns and ammunition magazines that hold more than 10 rounds.

But that's exactly the kind of firepower we needed to stop those rioting mobs from taking away our livelihoods and our lives. The only thing that stopped them from robbing us and burning down our stores was knowing that we were armed and prepared to stop them with whatever it took. Those high-capacity firearms gave us the ability to do so.

But when it was all over, the police came back and arrested Korean business owners for illegal possession of firearms, and disarmed them. I feel that that's an injustice.

The police couldn't protect us. For whatever reason, they weren't there when we needed them the most. The gun control laws couldn't protect us either. All the gun control laws did was keep other law-abiding citizens from protecting themselves. I know from experience what that means. I carry the scars on my arm.

And I know that without firearms, we would have lost our businesses, and possibly our lives during those riots.

Many people say the riots are rare. They say it only happens once in a lifetime. But that's all it takes. In southern California, disasters are more and more common.

When law and order breaks down, citizens have a right to protect themselves. It's our most basic right, and I think it's the most important freedom we have as Americans.

As one who has seen gun control in action from both sides, I urge you to stop attacking the rights of law-abiding citizens like me and go after the real criminals. Only then can the American dream -- life, liberty and the pursuit of happiness -- be secured.

Thank you for the opportunity to speak to you today.

Mr. MCCOLLUM. Thank you, Mr. Joo, for making a good statement about a situation that a lot of us watched on television but could never get the feel for certainly like you who were there.

Ms. Klaus.

STATEMENT OF CHARMAINE KLAUS

Ms. KLAUS. Hi, I am Charmaine Klaus, and I thank you for inviting me here today to testify.

According to all the antigun rhetoric we have heard for more than two decades, one would believe that it is impossible to defend yourself with a gun and how dangerous it is to even have one in your home. Well, I am here today to tell you that 20 years of political correctness is simply incorrect. Not only are there facts that can be verified in the annual FBI and State police uniform crime reports to refute those claims, but there are stories, volumes of stories of honest citizens saying no to criminal attack and having the tool to make it stick.

My story is one of those millions. Several years ago, I was a manager of a convenience store in an isolated rural area in Michigan. Although the owners frowned on keeping firearms on the premises, my husband urged me to take my legal handgun with me, since I had to make late night bank deposits.

Also, there had been several instances of female clerks being kidnaped from nearby convenience stores, tortured and murdered in the surrounding wooded area. On that Saturday night in March, as I was getting the bank deposit ready before closing the store, my female clerk came hysterically running into the back room office, crying that a masked man with a gun was out there. I told her to lock the door and I started to call the police.

But before I had a chance to dial, the armed robber shot through the door, kicked it in, and shot her twice. I got my handgun from the drawer and shot him as he started to enter the office.

Although severely wounded in the mouth and the throat, he continued to fire at us. I also continued to fire, but he stayed in the hall outside the office. during the exchange, Darlene was shot again and I was hit with his last bullet. He ran from the store to a waiting car driven by two of his friends that has been his accomplices in another armed robbery a couple of hours earlier.

Due to his wound, he was apprehended after getting medical attention and was then arrested. He had prior felon drug convictions and was out on bail. There was so much publicity in the media and so much public support for citizens who defend themselves against violent criminals that there was a change of venue and the trial was held 90 miles from our home.

Not only did my ability to defend myself save my life, but the bullet from my gun and the blood, his blood, at the murder scene, provided his guilt, even though the police never found his gun, nor was I able to identify him because of the mask he was wearing. He was tried, found guilty of first degree murder, and sentenced to mandatory life in prison. Although the memory of this incident will never completely go away, I feel that I did the best I could under the circumstances.

But it has made one thing very clear to me. I never want to be an unarmed, helpless victim. It is estimated that over 2 million

times a year citizens defend themselves from criminals by using a firearm; and in the vast majority of these incidents, the citizen does not fire a single shot.

The mere presence of a firearm often deters the crime. In one-tenth of these incidents, the citizen justifiably kills the attacker. This number, according to criminologists, is three times as many as killed by the police. And the reason for this? The police are called after the incident has occurred.

The citizen's use of guns may be one of the most serious risks a criminal faces. In short, our police provide community defense, only individuals can provide self-defense. We all remember what happened during the L.A. riots, when the shop owners resisted with their own semiautomatic firearms, when the police would not come to protect them. And it was the armed citizens that kept the peace for months in the tent cities that were home to the victims of the devastating hurricane Andrew in Florida. I am sure that none of you can predict what national disaster could take place in the future, but you can be sure the citizens of this country want to be prepared for any contingency.

In the L.A. riots, during the hurricane Andrew, when all else failed, one right, one individual fundamental right prevailed. Whether it is an act of God or an act of a vicious criminal, we citizens have the right to defend ourselves.

Age and physical stature have little to do with one's ability to successfully use a gun in self-defense. The oldest person I found was a 98-year-old woman who shot her intruder who intended to rape her. And one weekend just last month in Detroit, two elderly citizens, a woman 83 and a man 88, each shot and killed an intruder in their home. Even after repeated warnings from the armed citizen, the intruders kept advancing. No other form of resistance would have been as effective.

Since only one-sixth of our violent criminals use guns in most such crimes, an armed citizen—an armed victim will have an advantage over the criminal. It is not a question of guns against guns. According to several studies of the armed citizen and self-defense, including Dr. Kleck, professor at the Florida State University School of Criminology, "for both robbery and assault, victims who use guns for protection were less likely either to be attacked or injured than victims who responded in any other way, including those who did not resist at all."

When the victims use guns to resist crimes, the crimes are usually disrupted and the victims not injured. Research contained in J. Neil Shulman's book, "Stopping Power," shows that every 13 seconds 1 of the 70 million American gun owners uses a firearm in defense against a criminal. American women use handguns 416 times a day in defense against rapists. And here is one, a gun kept in the home for protection is 216 times as likely to be used in defense against a criminal, than it is to cause the death of an innocent person in that household.

You will never hear the results of these studies in mainstream media. Guns of all types are used significantly more often defensively than criminally. Routine gun ownership and defensive use by civilians has an ongoing impact on crime. Florida has proven this.

Since they liberalized their concealed carry law, the rate of homicides has decreased 22 percent. When criminals' awareness of armed potential victims are intensified, crime decreases. This was proven dramatically in Orlando, FL. After a series of brutal rapes, women bought guns in greatly increased numbers. This worried the police chief, so the police department set up and advertised a class in the safe use of a gun. More women showed up than they could possibly instruct in one day, so arrangements were made for a series of classes. During all this publicity, rape and assault significantly decreased. This story is not an isolated one. In cities and towns all across America, cooperation between armed citizens and the police have reduced crime in that area.

Restricting guns among law-abiding citizens simply encourages criminals. We have found that in Michigan, the counties with the greatest number of gun purchases have the lowest rate of crime.

In fact, Oakland County, with a population of over 1 million, and one of the highest gun ownership rates in the State, has a homicide rate as low as that of Canada. The neighboring county of Macomb, bordering on Canada, has a population of nearly three-quarters of a million, and a homicide rate lower than Canada. There is definitely an inverse relationship to gun ownership and crime.

In short, the problem is not that law-abiding citizens owning firearms. It is the criminals, period. Unlike last year, I urge Congress to face the real facts before enacting laws that only prevent the citizens from legally defending themselves. If you are really serious about reducing crime, then give the power back to the citizens. Repeal the Clinton gun ban. Citizens have proven that they are worthy of trust over and over again. And remember in the court case, *U.S. v. Panter*, the court declared the right to defend oneself against deadly attack is fundamental.

Thank you.

[The prepared statement of Ms. Klaus follows:]

PREPARED STATEMENT OF CHARMAINE KLAUS

According to the anti-gun rhetoric we've heard for more than two decades, one would believe that it is impossible to defend yourself with a gun and how dangerous it is to even have one in your home.

Well I'm here today to tell you that 20 years of political correctness is simply incorrect. Not only are there facts that can be verified in the annual FBI and State Police Uniform Crime Reports to refute those claims, but there are stories. Volumes of stories of honest people saying "no" to criminal attack -- and having a tool to make it work. My story is one of those millions.

Several years ago, I was the manager of a convenience store in an isolated rural area in Michigan. Although the owners frowned on keeping firearms on the premises, my husband urged me to take my registered handgun with me, since I had to make late night bank deposits. Also, there had been several female clerks kidnapped from nearby convenience stores, tortured and murdered in the surrounding wooded area.

On that Saturday night in March, as I was getting the bank deposit ready just before closing the store, my female clerk came running into the backroom office, hysterically crying that a masked man with a gun was out there. I told her to lock the door and I started to call the police. Before I had a chance to dial, the armed robber shot through the door, kicked it open and shot the clerk twice. I got my handgun from the drawer and shot him as he started to enter the office. Although severely wounded in the mouth and throat, he continued to fire at us. I also continued to fire, but he stayed in the hall outside of the room, so my first shot was the only one that wounded him. During the exchange, Darlene was shot again and I was hit with his last bullet. He then ran from the store to a waiting car driven by two of his friends that had been his accomplices in another armed robbery a couple of hours earlier.

Due to his wound, he was apprehended after getting medical attention and was then arrested. He had prior felony drug convictions and was out on bail. There was so much publicity in the media and so much public support for the citizens who defend themselves against violent predators that there was a change of venue and the trial was held 90 miles from our home. Not only did my ability to defend myself save my life, but the bullet from my gun and his blood at the murder scene proved his guilt, even though the police never found his gun nor was I able to identify him because of the mask he was wearing. He was tried, found guilty of first degree murder, and sentenced to mandatory life in prison.

Although the memory of this incident will never completely go away, I feel that I did the best I could under the circumstances, but it has made one thing very clear to me -- I NEVER WANT TO BE AN UNARMED, HELPLESS VICTIM!

It is estimated that over 2 million times a year citizens defend themselves from a criminal by using a firearm; and in the vast majority of these incidents, the citizen does not fire a single shot. The mere presence of a firearm often deters the crime. In one-tenth of these incidents, the citizen justifiably kills the attacker. This number, according to criminologists, is three times as many as killed by police. The reason -- the police are called AFTER the incident has occurred. The citizens' use of guns may be one of the most serious risks a criminal faces.

In short, our police provide community defense. Only individual people can provide self defense.

We all remember what happened during the L.A. riots. The shop owners resisted with their own semi-automatic firearms when the police would not come to protect them. It was the armed citizens that kept the peace for months in the tent cities that became home to the victims of the devastating Hurricane Andrew in Florida. I am sure that none of you can predict what national disaster could take place in the future, but you can be sure the citizens of this United States want to be prepared for any contingency.

In the L.A. riots, during Hurricane Andrew, when all else failed, one right -- one individual fundamental right -- prevailed. Whether it's an act of God or an act of a vicious criminal, we citizens have a right to defend ourselves.

Age and physical stature have little to do with one's ability to successfully use a gun in self-defense. The oldest person I found was a 98 year old woman who shot an intruder who intended to rape her. In one weekend, just last month in Detroit, two elderly citizens, a woman 83 and man 88, each shot and killed an intruder in their home. Even after repeated warnings from these armed citizens, the intruders kept advancing. No other form of resistance would have been as effective.

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A gun kept in the home for protection is 216 times as likely to be used in defense against a criminal than it is to cause the death of an innocent person in that household.

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Restricting guns among law-abiding citizens simply encourages criminals. We have found that in Michigan, the counties with the greatest number of gun purchases have the lowest rate of crime. In fact, Oakland County, with a population of over a million people and one of the highest number of gun ownership rates in the state, has a homicide rate as low as that of Canada. The neighboring county of Macomb, bordering on Canada, has a population of nearly 3/4 million, and a homicide rate lower than Canada. There is definitely an inverse relationship to gun ownership and crime. In short, the problem is not that law-abiding citizens owning firearms. It's criminals, period.

Unlike last year, I urge the Congress to face the real facts

before enacting laws that only prevent the citizens from legally defending themselves. If you are really serious about reducing crime, then give the power back to the people, repeal the Clinton Gun Ban. Citizens have proven they are worthy of trust over and over again. And remember, in the court case U. S. vs. Panter, the court declared "The right to defend oneself against deadly attack is fundamental."

Mr. SCHIFF [presiding]. Thank you very much, Ms. Klaus.

Mr. Baker.

Mr. BAKER. Thank you. I think Chairman McCollum stepped out.

Thank you, members of the House Subcommittee on Crime, for the opportunity to give testimony today. The morning of December 2, 1994, began like any other day at my store, as my employees and I waited on customers and handled repairs. But it would end like no other day. I was working at the back of the store around 10:15 a.m., when I looked up and I saw a masked man coming toward me. I couldn't tell if the man was armed, because the height of the counter hid his hands from view.

I picked up a .38 caliber revolver, which lay on my desk. The assailant then jumped up on a counter and I realized he was armed with a handgun. At that moment, there was an opening shotgun blast from the robber's partner, who had positioned himself at the front of the store, cutting off our escape. In self-defense, I then fired at the assailant immediately in front of me, and so did an employee who was standing to my right. All five of my employees and I were armed with 5-shot .38's at that point, and three of us were returning fire.

As previously trained, the other employees had taken defensive positions and were pushing panic/holdup buttons which alerted the police. The assailant closest to me fell mortally wounded off the service counter, while the other assailant with a sawed-off shotgun dove behind a sales counter. He yelled that he was hit, and when told to throw his gun out, he said that he would do so. This turned out to be only a stalling employ, and he reloaded and fired again, wounding me with heavy buckshot. I picked up a 12-gauge pump shotgun and returned fire on the assailant. Both assailants lay dead or dying when the police walked through the front door.

During this terrifying shootout, as we ran out of ammunition, my employees and I were forced to retrieve other loaded guns. Approximately 35 rounds of ammunition were exchanged by the time the second assailant ceased firing.

I am thankful that I chose to train my employees to defend themselves with a firearm, because it took all of us together to repel those vicious human predators. It was the—if I was the only person responsible for defending my employees or even myself, I would never have had enough ammunition with a 5-shot revolver. I would have needed a semiautomatic firearm with several high capacity magazines.

Both of the two robbers who entered Beverly Hills Jewelers were vicious career criminals. At the time of my attack, William "Pappy" Head had just been released on parole for the execution-style murder of his best friend, but his crime spree began long before with his first recorded arrest back in 1942. He was affiliated with a criminal organization called the Dixie Mafia, that has spread throughout the south and southwest. A Texas sheriff familiar with "Pappy" Head said he was the kind of criminal who would have no qualms in killing anyone who stood in his way. The second gunman, Thomas Jefferson Salter, had led a life of criminal activity as he traveled the country as a carnival worker. Some of his previous convictions included robbery, armed robbery, and kidnaping. When killed, he was a suspect in a string of bank and jewelry store rob-

beries and was wanted by the FBI. These two men are perfect examples of how the criminal justice system has failed to protect the law-abiding American public and why decent citizens ought to have the right to defend themselves.

My employees and I received an unbelievable outpouring of support from our local community and from across the Nation. Although this kindness has been very comforting, I am deeply troubled with the decision of the U.S. Congress to place a ban on certain semiautomatic firearms, and high capacity magazines. It is important that crime victims like myself have the opportunity to choose the firearm that is best suited for our self-defense needs.

The national gun and magazine ban is purely symbolic, deceptively designed to make people feel good. This gun and magazine ban will not stop thugs like the ones that invaded my store, but it does stand as a roadblock for law-abiding citizens to protect themselves. Unconstitutional gun control laws can mean the difference between life and death for decent Americans. Please, I urge you to repeal this gun and magazine ban, which only infringes on our right to self-protection; honest citizens should not be denied the right to choose the firearm that best suits their needs.

When I was coming in just a few minutes ago, a gentleman handed me a picture. And this was taken—this was taken by the media approximately about a half-hour or so after our shooting, where my wife and my daughter and one of my brothers had come by. Of course the store was closed, the police were doing the investigative work there. But we defended ourselves.

These men came in to kill, they didn't come in to take prisoners. And our self-defense kept my wife from—and my children, from not having a father. I want to take a second and read something, a letter that I received from a jewelry store outside of Richmond, it is on the North Carolina border, down in Franklin.

A gentleman took the time to write me this letter, he says I have a rather personal interest in what happened to me. "In 1978, when I was an 18-year-old man, a man named Willie Lloyd Turner, a man with an FBI record longer than you could imagine, murderous, malicious maimings, et cetera, walked into our store and murdered my father in front of all our employees and three customers. My father had cooperated with him fully and had given him everything he said he wanted. Yet he still cold bloodedly shot him three times. It has been 16 years ago. He was convicted of capital murder and sentenced to death. But our commonwealth has not seen fit to execute him yet. My father was never given the opportunity to see his grandchildren. He has five of them now, and my wife is pregnant with a sixth, not all ours, I have two sisters. My mother was never able to retire with him. What I am saying, Gary, is you could have been in the same situation had you not acted. Believe me, you did the right thing, and you may have saved your family and the families of your employees the same living hell that we have been through. Our thoughts and our prayers are with you."

That was sent to me just a few days after our shooting incident, by a man that lost a great deal. And just within a few days ago, in our paper, it had an article in the Richmond paper about this—the gunman, Willie Lloyd Turner, that killed his father, executed his father. And the article said he is being defended by seven of

the most prestigious law firms in the United States, and of course they didn't feel that his act was violent enough to warrant execution. I don't know what you have to do, but they don't feel it. I am certainly glad that we defended ourselves and I am glad that I could go home to my family.

Thank you.

Mr. SCHIFF. Thank you, Mr. Baker.

Mr. Murphy. And, Mr. Baker, you might slide the microphone down if you would please, sir.

Thank you.

STATEMENT OF PHIL MURPHY

Mr. MURPHY. I thank the Chair and the members of this committee this morning for inviting me to testify. Some of you may remember—well, at least one of you remembers that I was here last year to testify, and once again I feel it is important that this committee understand what event brought me here last year, and again this year. Simply put, I made a choice not to be a victim.

I exercised this choice on a conscious level, but my choice to purchase the firearm which would hold the potential of saving my life and help me bring a convicted felon back to justice was purely pedestrian. Unfortunately, my testimony along with that of many other law-abiding citizens was not enough to counteract the pervasive misinformation that was spread by the media and this administration. Apparently, my choice of a defensive weapon in this instance is so politically incorrect that my Government no longer trusts law-abiding citizens like me with this firearm.

I mentioned the pedestrian manner in which I made my decision to buy the long-arm in question, because frankly, my decision was driven by only two factors. Pragmatism and pride. In February 1986 I purchased a colt AR-15A2 H-BAR Sporter, a semiautomatic rifle chambered in .223 Remington. I chose this very practical rifle for a variety of purposes: competitive target shooter, varmint hunting, inexpensive plinking—it converts to a .22 rim fire—and yes, home defense. This rifle serves my needs while remaining an utterly reliable, easy handling, and nearly recoil-free precision instrument, qualities I have come to appreciate more and more as my physical condition deteriorates due to multiple sclerosis. So much for my pragmatic concerns.

The matter of pride comes into play in my desire to honor our military by doing what countless millions of Americans have done since our revolution. I bought a civilian version of the firearm currently in use by our Nation's Armed Forces. And there is the rub. I bought a rifle that merely looks like an M-16, not one that works like an M-16.

It is what makes my rifle so unremarkable in function that makes me so infuriated to have to defend my choice of this quality firearm at this hearing today. My rifle shares its caliber, magazine capacity, and century-old technology with many other firearms. However, these firearms were not seen as worth banning by the 103d Congress. Inanimate objects identical in function and capability were given different so-called personalities by the same legislative body simply because my rifle isn't as esthetically pleasing as other firearms. Nonetheless, my choice to avoid the politically cor-

rect path of passive self-defense proved to be, in my experience, a lifesaving choice.

In late August 1989, Johnny Johnson, a convicted burglar with a penchant for crack cocaine, was also making some personal choices. On the afternoon of the 28th, Johnny decided to rob my parent's home. He stole guns, jewelry, coins, and irreplaceable valuables which my mother treasured. I am certain that Johnny considered my parents' home to be a good choice, because 3 days later he came back to finish the job. That proved to be what Johnny would call a bad choice.

The investigating officer who took my parents' burglary report mentioned that because only the bedroom had been violated and that the point of entry was not yet adequately secured, the chances of my folks being robbed again within the week were better than 50/50. They worked days. The house wasn't secure. The police could not offer the protection. I could.

I arrived at their home every morning armed with a firearm I could control with one hand while I spoke to 911 with the other. I brought my AR-15 so that I might preclude aggressive action taken against me by its appearance alone—a firearm with which I could control a situation against possibly numerous antagonists who by now were almost certainly armed.

The confrontation was brief and noisy. He said he didn't want to die, I said I didn't want to be forced to kill him. By the time I picked up the phone upon which I had already dialed 911 so the police could hear and understand my situation, I realized I had won. Mr. Johnson's arresting officers were not the least bit critical of my choice of defensive weapon. They couldn't care less. Cops on the street know that honest citizens are the victims, not the perpetrators. They were just delighted I bagged one of Tucson's most wanted, and so were the courts.

Johnny Johnson was already a three-time loser with 34 priors who was violating his third adult parole for a knife assault when we were formally introduced. We were told by the county attorney that since Johnson was a targeted offender, he could not plea bargain his way out of this one, would have to stand trial, but he didn't. He pled guilty to one charge for every charge that was dropped, and unfortunately the very burglary where I was the intended victim was pled away as well.

Of course, his rap sheet is fairly typical, but Mr. Johnson was only 19 when I caught him, which means all of his 34 adult transgressions and supposed punishment took place since Mr. Johnson was 18. And yet I am the one who is under scrutiny by this law.

I respectfully urge this committee and the Congress of these United States to repeal the 1994 gun ban, a ban which will do nothing but force tens of millions of law-abiding Americans, like the ones who are seated with me here this morning, to choose between the law and their lives.

I thank the Chair and the committee.

Mr. SCHIFF. We thank you, Mr. Murphy.

Mr. Neel.

STATEMENT OF TRAVIS DEAN NEEL

Mr. NEEL. Mr. Chairman, Members of the Congress, thank you for inviting me to appear before you today. To get into my story, the reason I am here, I think it would be best if I just simply read a proclamation from Houston, TX, dated February 1, 1994, titled "Travis D. Neel, citizen of the year."

Whereas at 12:20 p.m. on Friday, January 31, 1994, Harris County Deputy Sheriff Frank Flores stopped a stolen Jeep Cherokee at the corner of Colonial Parkway and Mason Road, a major intersection, which was occupied by three men who had stolen the vehicle and were part of an organized car theft ring, and whereas one of the thieves in an effort to avoid arrest hid in the stolen vehicle while Deputy Frank Flores attempted to put the other two under arrest, then ambush Deputy Flores and repeatedly shot him in the back, upper chest, left shoulder, right wrist with a .38 caliber pistol with intent to take the deputy sheriff's life, and whereas there was no other on-duty peace officers in the close proximity to Deputy Frank Flores who could come to his aid in time to save the deputy's life, and whereas Travis D. Neel, a good citizen and Korean war veteran, armed with his own handgun, saw the incident, came to the aid of Deputy Frank Flores, returned fire to armed thieves and saved Deputy Flores' life, and whereas as a direct result of the heroic actions of Travis D. Neel, all of the armed thieves were arrested, charged with attempted capital murder of a peace officer and other offenses, and will be brought to justice, proclaimed by the members of the Harris County Deputy Sheriff's Union, February 1, 1994.

I am a disabled veteran. I have been disabled for the most part since 1972, and that was my first day out for a sporting activity in several years. It was also the first day the Sun had shown in Houston for 3 months. I took the remnants of my gun collection, a fine Merkel shotgun, invited my wife to go with me to shoot sporting clays. She didn't want to. Said just bring home the dinner. That means pizza, not sporting clays.

And I decided since she wasn't going that maybe I would go next door to another range as well and shoot a couple of pistols I had for 14 years and never tried them out. And because I do have certain physical incapacitation, incapacities, I loaded all the magazines for the guns before leaving the kitchen. And I carried three magazines for each of the 9 millimeters. Each of the 9 millimeters hold 15 rounds per magazine. So I had three magazines of 15 rounds for each of two pistols.

Under our law in Texas, we have to separate all the ammunition from the guns when transporting, so I went through that procedure. And I left home. About five blocks away, I was following a sheriff's car, not for any reason. He just happened to be there. And he was alone. We came to a red light at a major intersection and he spotted something he didn't like. He pulled out into the intersection and blocked the oncoming car.

In so doing, he blocked my way. He started getting out, pulling his pistol. And I spent just enough time leading eight crews of heavy machineguns on Heartbreak Ridge to know that this was not going to be a brushing your teeth incident, or combing your hair, either.

So I saw that if anything happened, I was going to be involved. And I looked to the car he had stopped and I saw three men holding pistols down at a level where he couldn't see them. I was in a truck and I was higher.

So I just reached for the nearest pistol, happened to be a CZ-75, reached for magazines and was lucky I came up with the right ones. And I jumped out of the car because the pistols were being leveled at that time and I was in the line of fire. And gentlemen, there is no doubt in my mind, I was going to die right there. So I may as well die with him.

And I ran over to him, but they started firing. Just as I was coming up there, hit him five times. He went down. I raised my pistol up, just hoping I had it loaded right, and I really didn't think I did. And I pulled that trigger right at a fellow's chest, and it just snapped.

So there I was, in Texas cowboy boots, my mouth hanging out, I am going to die and there is not going to be a soul, not one soul that could tell why I was there with a pistol. As far as I am concerned, the deputy is dead, I am going to die, I am not going to get a shot off, and the criminals are going to go waltzing right on down the creek. I didn't have any idea what those young men had done or what they were intending to do later.

That wasn't my prerogative to know. What was known to me was that I had seen what represents government to me, the man who patrols my neighborhood, shot down, ambushed, assassinated, as it turned out, attempted assassination. I loaded my gun again, and meantime they were firing at me. Knocked my hat off. I really think they blooded my area. It came up bloody later. Got a scar there. I didn't complain about it. I have had some more serious operations than that, as you can probably see some of them.

So I came upright the second time. And I leveled on them again and I could just see three men with eyeballs here, semicircling around me. And as we threw our pistols out, they were darn near touching, started firing. I had a smoking gun in that intersection for probably 10 minutes.

I used most of my ammunition, retreated to my truck backward, got more ammunition. Actually, I traded guns and at that point they escaped. And I kept all—there was about 30 other cars that got caught in this intersection as I did. It was lunch time, Friday. And a lot of people seem to eat out on Friday at lunch, when they wouldn't on other days. And they were trapped just as I was. They just didn't have the armament that I had.

And I kept them to my back and I tried to keep an angle to where the shots that were being fired at me wouldn't go to them. And I definitely kept the angle firing at the criminals where my shots that missed, which is all of them, would go into a vacant lot. I was successful in that, didn't even put a hole in the vehicle they hid behind for a while. But the thing about that is it is not what I did so much, it is just that was so lucky.

I was so lucky that up until January 1994 no one had changed a law and I could have any gun in the semiautomatic pistols in any capacity of magazines that I wanted. This one, a new generation that a lot of women are buying now because they are light and they hold a lot of ammunition, and they are excellent for people in de-

fense because you don't know when the attack is coming. The sheriff sealed off that area of Houston, went house to house. He brought out eight eventually, an entire gang cell. And this seems just to be the beginning of this type of operation.

Six weeks later, we have a gang of 12, because 8 is not big enough any more, shooting an officer, shooting a lady, robbing a bank, running over another lady. We have some serious problems in the southern borders of the United States. And the citizens have to have everything the manufacturers can produce in the way of small arms.

Thank you.

[The prepared statement of Mr. Neel follows:]

PREPARED STATEMENT OF TRAVIS DEAN NEEL

Mr. Chairman and Members of the Subcommittee, I would like to thank you for giving me the opportunity to testify today.

I want to tell you a story so that you can answer a question that many people ask, about why a citizen might need what they call a "large-capacity magazine." When you've heard my story, you may think the "large-capacity" magazines I had were not large enough.

When I first saw Deputy Flores, I was in my car a few feet outside the limits of Houston, on January 21, 1994, traveling to a shooting range. I just happened to be following the deputy's patrol car. In my vehicle, I had my Merkel shotgun cased and in three pieces. I also had two 9mm semi-automatic pistols. I had loaded three magazines for each of these pistols while at home; each magazine held 15 rounds of ammunition. But, in compliance with the law, the guns themselves were not loaded.

Suddenly, I noticed Deputy Flores's vehicle veer into the path of another vehicle, blocking its way and mine. The deputy exited his car with his hand on his firearm. I looked to the vehicle the sheriff's had blocked. I saw men holding guns, but from my vantage point, I could tell they were being kept from the officer's view. I thought that if I shouted out to the officer to warn him about the guns, I might distract him long enough to prompt those men to attack him. There didn't seem to be anything to do but run to his side -- to help defend him. It was a risk I was glad to take.

Aware that time -- precious time -- was ticking away, I selected my CZ-75 pistol with three fifteen round magazines. As I had done at Heartbreak Ridge over four decades ago, I wanted to have as much ammunition as I could carry.

I ran towards the officer knowing that if he were killed I would also be killed. As I ran, I unsuccessfully tried to load the pistol. As I arrived on the opposite side of the patrol car, the officer, I noticed, was almost in firing position when he was cut down by a volley of shots fired from ambush. I saw one shot hit him squarely in the chest region and heard five bullets hit him as he fell from my view apparently mortally wounded.

In a fleeting second, I thought for a moment. I was undeputized. The only man who might vouch for my good intentions may be dying on the concrete. Because I had to load my empty firearm, valuable time was being wasted. When I finished loading I raised my own pistol to eye level with the intent to stop at least one man before I was struck down like the officer. The pistol snapped but failed to shoot and three gunmen turned their undivided attention to killing me. I was in despair that I might be killed without the opportunity to explain to the authorities why I was there, doing what I was doing.

My second attempt to load was successful. I leveled again and divided my shots between three men, firing as fast as my finger would work, changing magazines every fifteen rounds. They retreated to behind a vehicle, and I took another angle, exposing myself, hoping that would bring their shots to me rather than those trapped in vehicles behind me. We continued to exchange fire as I backed towards my own vehicle. According to my accounting, I was running out of ammunition and losing the battle for my life. I knew I had more shotgun ammo than handgun ammo. I was hoping this tactical retreat would put me back at my vehicle where I might have enough time to assemble my shotgun.

The three criminals took this opportunity to try to capture a new automobile and hostage. I gave up on shotgun assembly, got a second 9mm, loaded it, and drove them away from the vehicle they sought with rapid fire. This time the three ran for a nearby subdivision and knowing the ammunition ballistics of my weapon as I do, I withheld my fire, lest I kill or maim an innocent citizen. I then released at least thirty cars in the intersection and went to examine the Texas peace officer. I was shocked to see him alive.

Later, County Sheriff Johnny Klevenhagen sealed the West Side of Houston and a three-hour, house-by-house search produced an organized criminal gang of eight who were captured, convicted and sentenced.

For the past fourteen months, I have spent all of my waking hours pondering my experience. I've come to these conclusions:

First, having those firearms -- and those magazines -- in the car that day saved my life and that of Deputy Flores. Those who want to ban guns and the magazines that go with them tell you that only a criminal needs access to such "large-capacity" magazines. But at the scene of that shootout, it was the good people -- the deputy and I -- who had "large-capacity" magazines. I fired thirty-nine shots that day. The criminal, the would-be assassin, had a six-shot revolver. And a survey of criminals in the county jail afterward found that 85% of the armed convicts in custody preferred revolvers or shotguns for their crimes.

Second, the criminals who attacked us didn't follow the laws governing the carrying of firearms. If they would obey any law, they would not have tried to kill the deputy; they would not be in jail today. They ignored the laws then, and all too many like them will ignore the laws tomorrow.

Fourth, far from being a threat to law enforcement and the general public -- I, with my pistols and my 15-round magazines -- was an asset that day. But if the gun and magazine ban had been in effect a few years earlier, things might have turned out differently. I and other law-abiding citizens will continue to be an asset tomorrow, and I hope the Committee and the Congress will recognize that by repealing the ban.

MR. CHAIRMAN, GENTLEMEN (LADIES) OF THE CONGRESS, I will read a Proclamation of February 1, 1994, made at Houston, Texas, which is the basis of my testimony. The Title is TRAVIS DEAN NEEL, CITIZEN OF THE YEAR.

WHEREAS, at 12:20 PM on Friday, January 21, 1994, Harris County Deputy Sheriff Frank Flores stopped a stolen Jeep Cherokee at the Corner of Colonial Parkway and Mason Road which was occupied by three men who had stolen the vehicle and were part of an organized car-theft ring; and


WHEREAS, one of the thieves, in an effort to avoid arrest, hid in the stolen vehicle while Deputy Frank Flores attempted to put the other two under arrest, then ambushed Deputy Flores and repeatedly shot him in the back, upper-chest, left shoulder and right wrist with a .38 caliber pistol with intent to take the Deputy's life; and


WHEREAS, there were no other on duty peace officers in the close proximity to Deputy Frank Flores who could come to his aid in time to save the Deputy's life; and

WHEREAS, Travis Dean Neel, a good citizen and Korean War veteran, armed with his own handgun, saw the incident, came to the aid of Deputy Frank Flores, returned fire at the armed thieves and saved Deputy Flores' life; and

WHEREAS, as a direct result of the heroic actions of Travis Dean Neel, all of the armed thieves were arrested, charged with attempted capital murder of a peace officer and other offenses, and will be brought to justice;

NOW THEREFORE, BE IT PROCLAIMED, on this First day of February, 1994, that TRAVIS DEAN NEEL is hereby declared by the members of the Harris County Deputy Sheriff's Union to be the CITIZEN OF THE YEAR, 1994.


Lynwood Moreau, President
Harris County Deputy Sheriff's
Union, Local 154


George Silvio, Secretary
Harris County Deputy Sheriff's
Union, Local 154

Mr. SCHIFF. Thank you, Mr. Neel. That completes our testimony from this panel.

I am now going to recognize members. Because we have a number of members here, because of the interesting nature of this testimony and this hearing, I am going to invoke the 5-minute rule for members, including myself as Chair. If after every member has been recognized for 5 minutes, a member just feels very strongly there is a question they didn't get a chance to ask, I will go back and try to accommodate that.

Starting with my own time, I actually have no questions for this panel. I think that the testimony speaks for itself. I am going to make a few brief observations with my time, however.

Based upon my experience as a member of this committee, the Judiciary Committee, and this subcommittee, for the last several years, and as a career criminal prosecutor before I had the privilege of being elected to the U.S. Congress, the first is there is no doubt in my mind that if we are going to be in any way successful in the fight against crime, we have to concentrate first on criminals.

And I was struck during this testimony even more so than the actual subject matter of the use of firearms for self-defense, that in this relatively small panel, look, we only have a few people out of all of the population of the United States of America, including the population of victims of crimes, how many times there was a reference to the assailant in my case was on parole for another crime.

I mean that had to have come up at least half the time that I heard your testimony. And I think what that indicates is that the same criminals are on the street over and over and over again. And I have to tell you that as long as that is the case, there is nothing else we can do that will ever be effective.

And I believe that the first step in law enforcement should be close that revolving door. And those that say we can't afford more prison space are telling you that you can afford the crime. Because that is the alternative. If you don't keep the criminals off the street, they are on the street.

Now I want to add very hastily here that that is not a call for every person convicted of any offense going to prison. I don't believe that. I don't believe that is necessary to protect society. I don't think in all cases it is practical.

I think there is very definitely room for alternative sentences to prison in many cases. But when violent criminals and repeat criminals are out there over and over again, they have to be kept off the streets permanently. And failure to do that by itself guarantees a crime rate.

The second issue that I want to mention is that I don't think that precludes a discussion of gun control. I don't think that proposals with respect to legislation shouldn't be examined by the Congress. I just personally would like to see the rhetoric toned down a bit.

I think in many issues across the Congress, particularly in this one, there is a political focus, not a legislative focus. In other words, I hear many members say we have got to be against this particular proposal because the National Rifle Association is for it,

or we have to be against this proposal because handgun control is for it.

I think we should evaluate legislation on its merits, and not which lobbying organization is for it or against it. We should listen to them, too, but I think we should reach a conclusion. And I think with respect to an example of certain types of firearms, there are those who believe, they have testified before and there are people in the audience who I think share the view, that restricting certain kind of firearms will inhibit the criminal. And we should hear from them.

I think this panel contributed the opposite idea, that restricting firearms inhibits the honest citizen in protecting themselves. We have need to hear from you, also. I want to conclude, and then if I have any time left, I will turn to the panel for comments, but I want to conclude and say in my judgment there is a very powerful gun control law on the books today. It has actually been on the books for many, many years.

It has been a Federal offense for a long time for a convicted felon to be in possession of a firearm, any firearm. But in my judgment, and I must say over this and the previous two administrations that I am familiar with, there has not been an adequate emphasis on prosecution, that the prosecution under this administration, perhaps prior, has been we will prosecute under that law after there has been a new crime committed.

In other words, among the other charges we bring, we will add felon in possession as a charge. Well, that is, as they say, closing the barn door after the horse has gotten out. And I strongly urge this administration and I urged the Bush administration and would urge any future administrations, make the top priority when a convicted felon is found in possession of a firearm, over then and there. Don't wait for the next crime to occur.

I see my time is about up. I will recognize now Congressman Schumer for 5 minutes.

Mr. SCHUMER. Thank you, Mr. Chairman. And I want to thank all of the witnesses for their testimony. I spent a good deal of my time in my career trying to fight crime. And I understand exactly where you are coming from. Each of you has been the victim of some terrible crime. And there are many things we probably agree on, Mr. Schiff and I agree on both mandatory minimum sentences and we agree on building more prisons, on tough punishment.

I would simply say to each of you that you have had a situation where you believe that getting a gun was necessary to defend yourselves. I would also say to each of you that there is no Federal law on the books that would stop you from getting a gun.

Maybe you couldn't get the exact weapon you wanted, but you could get one almost exactly like it. And there is no intent in this Congress of changing that. In other words, there is no intent at all at saying that law-abiding people shouldn't get guns.

But I will tell you what happens in my district, in my city. Right now as we speak, there is some criminal or would-be criminal, who can't buy guns in New York State, because that is the choice of the overwhelming majority of people in our State, and he drives down to some of the States that you come from and he buys 10, 15, 30, 50 guns, puts them in the back of the trunk of his car.

Now he will have to wait 5 days, but then puts them in the back of the trunk of his car and goes on a street corner and sells them to anyone who walks by, including 12-year-old kids, including criminals, et cetera. That is the kind of thing that we have to stop, in addition to doing the other things, to make any city safe.

And what I would ask you to think about, as I try to think about your testimony, and what is important to you in trying not to infringe on your rights, although I would say to my colleague, Mr. Barr, no amendment is absolute and we are going to have a hearing on the second amendment and no court that I know says that it is absolute, just as they say the first amendment isn't absolute, but I would say to each of you as I try to think of your situation and your desire to protect yourself as you see fit, I hope you will think a little of my situation, the situation of the 600,000 people of the Ninth Congressional District, who every night are terrorized by people with those guns that were bought in States with no laws at all, no restrictive laws at all, and then they get into the wrong hands.

I don't want to stop them from selling guns in your States, to you. But I certainly would like to have some kind of control so that these merchants of death who go interstate, buy the guns and sell them to any kid, any person who wants them, whether they should have the gun or not, is stopped. And I hope you will just think about that.

I think of a speech given on the floor of the House of Representatives by a Member of Congress who opposed his district, he came from a district that disagreed with the assault weapons ban, he came from a rural district, he is a very respected man. And he said he voted for it because even though it might infringe a slight amount on the people in his district, it would not take away their guns. Don't listen to what the NRA or others tell you.

We don't want to take away your guns, I am not for banning guns. My uncle is a member of what is called the Richmond Gun Club, and he is an ex-marine and he does target practice. But some slight infringement, inconvenience to you, that might mean that the carnage every night that happens on the streets of some of our larger cities stops.

Thank you, Mr. Chairman.

Mr. SCHIFF. Thank you, Mr. Schumer.

Mr. Heineman.

Mr. HEINEMAN. Thank you, Mr. Chairman.

I have not made an opening statement. I don't know whether the members of this side of the panel or those on the task force have been introduced to you folks. But sitting next to me are at least two ex-U.S. attorneys. Of course, Mr. Schiff has identified himself as a prosecutor. I am not an attorney, I am an ex-police chief, an ex-policeman that spent 38 years in law enforcement. And what I heard here today is just—is just *deja vu*.

These are not aberrations. These people have not been plucked out of 260 million people to make a point. These are stories that could be told in every large city across the country. And talking about large cities, I came from a city that Mr. Schumer now represents. And I know about fear, fear where people are concerned.

And I know about riots, Mr. Joo. I have been in 10 of them in the 1960's alone, and I know the fear. I don't now represent gun control, and I don't represent the NRA, and I never have done that. And I don't want to be characterized in a wrong light by my friend from the other side of the aisle, whom I have learned to respect. But what we are dealing with here is we are dealing with people.

When I was in New York City, we had the strongest gun control laws in the Nation, and more murders, more guns being used. I went to Raleigh, NC, where anybody could own a gun and carry a gun. And what was missing down there was the violence, the gun violence, the murders. And that changed, that changed in 1988, 1989. And what changed it was the fact that people came down then, Raleigh, NC, and North Carolina had been discovered. And it had been discovered as fertile territory for drug sellers.

And what changed the character of that city and cities across North Carolina and other States were the influx of people who tended not to obey the laws. People made a difference. And if we can focus ourselves and come to the realization that people control is what we need to deal with, and I think out of this committee, out of this crime committee, out of the task force, will come some strong legislation to deal with people that use guns during the commission of crimes, something that was not brought out during the crime bill in February.

And I can't—I can't speak strongly enough to project my feelings about people control. There is a different level of fear across this country, brought about my criminals and crime. Some people feel that they don't need guns in their homes. That is fine for them. There are people that have different levels of fear, where it comes to self-protection and protecting children.

Ms. Ramboz, could you stand up, please? Hardly a Rambo. But she stood at the head of the stairs with a gun that some people would characterize it as a weapon of mass destruction. You can sit down now, thank you.

People are in fear in this country. No cops, especially during riots, can't be every place at every time. And there is a lot of fear there, too. There is fear in law enforcement. I have known cops that wore ankle holsters as well as their side arms, and one or two had derringers. There is fear there, too. We have to deal with fear.

I would rather live in the city which has some crime and I am not afraid to go out or go to sleep at night, than one that has no crime and I am frightened to death. You have to make a choice, what do you want to live with? I am here objectively, I am not here with a mission.

But I know if New York City was my Yale and Harvard for what I do for a living or what I did for a living, and I can tell you now, the strongest gun control has failed up to this point. It just—it deprives the law-abiding citizens of weapons. The people that are not law-abiding citizens have all the weapons they want. On the corners in New York City, where Mr. Schumer represents, whether they get them from Virginia or they get them from Canada.

I think we have to—everybody has to make people control the issue, and not gun control the issue. And again, I am not pushing gun control. And I am not pushing the NRA. I am just looking at it from 19—from 1955 to 1979, with the hands-on experience and

knowledge, I am not a Ph.D. in anything, but it is just—it is just living through 38 years of law enforcement and coming up with a gut realization of where the problems are. And the problems are a people and prisons. I know my time is expired.

Mr. SCHUMER. Will the gentleman yield for just 30 seconds?

Mr. HEINEMAN. Yes, I will.

Mr. SCHUMER. The only point I would make to the gentleman is, first, according to our police chief, Mr. Bratton, no softy, a real tough cookie, No. 1, he thinks we need more laws, not less. And second, 98 percent of the guns used in crimes in New York City didn't come from New York. They came from States, other States, most of which were the States that had no laws at all. That is the only point I would make.

Mr. HEINEMAN. That is a good point, and I realize that. I yield back, though I don't have time.

Mr. SCHIFF. If I could just add on that, though, regardless of where the guns came from, the people who are using the guns in New York or reselling them in New York are violating the laws of New York. So clearly they are not going to respect gun control laws if they are criminals.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. I don't have any questions. I would like to thank the witnesses for sharing their very moving stories. And the stories remind us of our responsibility to do what we can actually do to reduce crime. The question before us is whether or not more Americans will be safer if we repeal the assault weapons ban, or if they will be safer if we keep the ban.

As the gentleman from New York has indicated, there is no sentiment to do anything banning more weapons in this Congress. And the question is whether we ought to repeal what we have done. It is interesting, Mr. Chairman. You mentioned the fact that many of the culprits the witnesses mentioned were out on parole. It is interesting, because just yesterday the American Association of Probation and Parole held a press conference criticizing the so-called truth in sentencing laws because the finding was that the most dangerous, heinous criminals would in fact get out in less time if you abolish parole, 50 to 75 percent less time, if everyone has to serve the average sentence.

The truth in sentencing is that the low risk criminals don't get out early, but the whole truth in sentencing is that the most dangerous criminals will also serve the average time, which is most of the time 50 to 75 percent less than they would have served had the parole board been able to deny them parole year after year.

I thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Scott.

Before I recognize Mr. Bryant, I just want to say that we appear to have more cross discussion than questions, so I promise to go back to the panel if no one else does to give you a chance to join in. Mr. Bryant.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman. I, too, bring to this podium this morning a great deal of compassion, not only as a former U.S. attorney who has some experience in the Federal laws but as a father and as a husband, and certainly my sympathy for all the members of the panel for what they went

through as well as the guests that Mr. Schumer has brought, the loss of their children and husband and injuries. As Mr. Barr said, neither side of this aisle has any more compassion than the other.

But I think we have to recognize what is the core on both of these issues in terms of what the people on the panel experienced and what our guests have experienced tragically, is the criminal, the person who misuses a gun, and how, as I alluded in my opening statement, we have to focus, I think my experience tells me, not on gun control but on criminal control. My experience taught me also that by very definition the criminal will not obey the laws.

Now, in the instance that we talked about in New York City with people selling guns on the street corner, that happens in my district in Memphis, TN, happens in Los Angeles, CA. You can go out and buy all types of guns. I am not sure how this semiautomatic weapon ban has stopped that. People are going to break the law regardless. If we somehow snapped our finger and did away with every gun in this world, you would still have criminals preying on people with some other form of weapon.

I think, as our panel has alluded to and testified to, firearms in their cases certainly were the equalizer. The great equalizer.

I wanted to comment also on the fact that, to me, none of you really look like you are radical extremists. I have heard some folks characterized that might feel strongly about second amendment rights as radical extremists, other than Ms. Ramboz. She looks pretty mean down on the end. But I think it is important that we bring these things out; that we see the other side and listen to your stories, and I appreciate very much your coming today.

Again, I am not sure how this semiautomatic weapons ban would cure the problem of people smuggling guns from out of this country or wherever and selling them on the street corners, but I am interested in how this gun ban has affected your stories, and would one or two of you tell me, had this gun ban been in place—I know at the time maybe it was in some instances—but how would it have affected the outcome of your stories? Just jump in.

Mr. NEEL. I know one deputy sheriff that would be dead.

Mr. BRYANT of Tennessee. Thank you, Mr. Neel.

Ms. RAMBOZ. I know when I reached for that particular gun, there was a reason. I could not have grabbed a handgun because I would have been afraid that it would not have been threatening. I would have to talk and let them come close enough to see the gun. I, you know, could not have grabbed the shotgun because basically the kick knocks me flat on my rear. I can't handle the kick. But that particular gun I can handle the kick, I can control, and it made me safe.

Mr. BRYANT of Tennessee. Yes, Mr. Murphy.

Mr. MURPHY. I was going to say that probably from the experience of the other people testifying, I think probably the most egregious part of this is the magazine ban. What was not taken into consideration when the crime law of 1994 was passed is the fact that magazines do break. You can drop them, you can dent the feed lips on them, springs weaken, et cetera, et cetera. The inability to replace them is one of the key components of the bill. We will not be able to purchase, once a supply is gone—and there is not an infinite supply, as has been suggested—once that is gone, it is gone

and we will not be able to replace those items for firearms we were discussing here today.

Also, just anecdotally, I wanted to mention when Congressman Schumer was talking about people doing out-of-State purchases. He was only alluding to the fact that it is against the law in New York. Actually, doing an out-of-State purchase as an unlicensed dealer in New York is against Federal law and has been for a long time. Also, multiple purchases are reported through ATF. And I can't think of anybody more zealous in their enforcement of gun laws than the ATF in the country. So that is already covered under the Federal law and has been addressed prior to this law.

Mr. BRYANT of Tennessee. I think from what you have said, the idea that having a pistol in your house may be all the security you need, I think you have illustrated that sometimes that is not the case. I know, Mr. Neel, you testified you fired a number of rounds and never did hit him; is that right?

Mr. NEEL. That is right, sir.

Mr. BRYANT of Tennessee. But it did scare them away, and perhaps, I guess, the deputy survived. You saved a life.

Mr. NEEL. I think it scared everybody on the west side of Houston.

Mr. MURPHY. I am surprised we didn't hear it in Tucson.

Mr. BRYANT of Tennessee. Thank you. Again——

Mr. SCHIFF. I think Mr. Baker wanted to say something.

Mr. BAKER. Yes, Mr. Bryant. Mr. Schumer has been referring to gunrunning and so forth. My State, I think more than any, has got a black eye on that. Virginia. But before they passed the new law, where one handgun a month is all you can purchase, I wisely went out and purchased 11 38's, which kept me alive.

Mr. BRYANT of Tennessee. Thank you.

Mr. SCHIFF [presiding]. The gentleman's time has expired. Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, I thank you very much, and I appreciate your comments about where we are today and what we should be looking at.

I hope the panelists will look very keenly and closely at me and say, as they reflect, that obviously there are some differences. But, clearly, I believe that we would be able to walk out of this room linked arm in arm, because there are so many commonalities that we would share in, particularly as I heard my colleagues mention the whole idea of law enforcement and incarceration of criminals. And you have my commitment, more than 100 percent, because that is what we are talking about.

I am glad to see my neighbor, Mr. Neel, and I am very glad he was there and did what he did. I think there is nothing in conflict with the incarceration of the bad guys along with what I call fair gun regulation. And the reason why I say that is because in my State alone firearms will kill more teenagers than cancer, heart disease, AIDS, and all other biological diseases. And, in fact, in Texas and Louisiana, they became in 1993 the first States where young adults were more likely to be killed and die from gunfire than die from car accidents, and we know the tragedies of youngsters in cars. So I think what we are trying to get at is to simply agree with the actions that you took.

There is not a one of you that was in an illegal posture, per se. You were in your homes, you were in your stores, you were protecting your children, and I applaud you for that. I really do, because that is what the Constitution protects. And there is not a law, federally or statewide, I believe, that would really want to take away that right.

I would argue, however, vigorously, whether or not the State of Texas needs a concealed weapons law. It has not proven successful in the State of Florida. And I would wonder whether or not you would, in fact, have been inhibited or prohibited from doing what you did with the present laws. So the question really becomes as to how we can work together.

Mr. Schiff raised a very valid point. I served formerly as an associate municipal court judge, did not entertain these types of violations, but I would tell you that a felon does not need to have a gun, and we need to be effective and forceful in prosecuting cases where there is a felony possession of a gun. We also need to ensure that we are not dumped with ex-parolees throughout this Nation that then perpetrate crimes.

At the same time, I think you should recognize that in my community the population of African-American males, some 14 times more than any other population from 12 to 24 are likely to die by way of homicide. Additionally, I would say to you that we find so very often, as I held up earlier this particular headline, children dying of guns. So I think we have to balance what we do with respect to protecting you along with the equally parallel importance of making this a nonviolent society.

And then I would say to you that we had started out by offering that we would not make this anecdotal, if you will, and we would not try to compare one person's harsh experience with another. I hope you will view the remarks that I have made as not trying to challenge the tragedies that you faced. But I also have to contend with a population of individuals, skinheads, perpetrators of hatred, who are arming themselves in camps that want to rid this Nation of a certain type of population. They put a bad name on those of us who are defending our families and our homes and our property.

But we must ensure that as we look at this Nation that we make sure that it is safe for all kinds of people. And so the interest that I have in coming to this hearing, I want you to receive my remarks in the spirit that they are offered. I remain very much open-minded because I am a proponent of gun safety.

And I noted that Ms. Ramboz indicated how her guns were in a safe, how their children know about guns, and how they know how to handle them. You are uniquely someone who should be highlighted for the responsibility that you have shown. I have had to deal with in the city of Houston a number of irresponsible persons who, unfortunately, have gotten ahold of guns, meaning children, through the lack of responsibility of an adult, and certainly 3 years old, 5 years old have lost their lives. I note that occurred in Mr. Barr's district and I likewise will not challenge anyone on the value of the Constitution.

I would simply say to each and every one of you, I think we could walk out of here in sync because what you did was protected by the Constitution. You defended yourself, your property. But

what we have, and the image that we have of this Nation internationally is a violent country, one that promotes gun violence, promotes the proliferation of guns.

I would think it would be well suited for all of us to go out hand-in-hand for the strong enforcement of our laws, for the fact that someone who killed someone's parent, that they in fact serve the time and if subjected to the death penalty that it occurs after due process.

But I think the tone that is set, that we are against each other. We are not against each other for effective gun regulation serves a valid purpose. It serves the lives of our children and it saves the lives of innocent human beings, and as well, we must ensure that criminals do the time for the crime that they have done. So I am looking forward to interacting with you.

I have your statements and addresses and I am sure you will be back in touch with us. I will have some written questions because the time is not allowed right now. I hope the chairman will allow us maybe a second round on a burning question that I do have. But I really wanted to share that with you, and I thank you, Mr. Chairman, for the time and the opportunity to hear these very strong stories of Americans, of people who I agree with, and I know we will be able to work together.

Mr. MCCOLLUM. Thank you, Ms. Jackson Lee. Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. All eight of your stories are very, very compelling, and I am really pleased we had the opportunity to hear these today.

I want to tell you a little story, something that happened to me about 20 years ago when I was in college at William and Mary down in Williamsburg, which is not that far from here. I was in college and I was working as a night auditor at a Ramada Inn. I worked the 11 p.m. to the 7 a.m. shift there, all night.

Sometime in the middle of the night, about 3 in the morning, we had three young men come in. I was there alone, other than the people who were sleeping in their rooms throughout the hotel. I was the only one down there who worked at the place. And these three people came in and had things wrapped around their faces and guns, et cetera.

They tied me up, and it turned out to be a drug gang—even had drug gangs in those days, about 20 years ago, in Richmond. And they tied me up and I had a sawed-off shotgun held to the back of my head and they were screaming, you know, we want all the money, et cetera.

Well, they took all the money and did not pull the trigger, and I went on to have kids now that would not be here had they decided to take a different course of action. But it made a real impression on me at the time, and, of course, if it happened with you folks, I doubt if they had walked out of that place. You have done some tremendous things here and my hat is off to all of you.

There was nothing particularly heroic about that. I just laid there and didn't get shot. But the connection, I think, is where it is drug related. Then the drug of choice was heroin; now it is cocaine or crack. But most of those stories, the people were after your property and they did not care if you were in the way, and they really did not care about taking your life and would have done so

in the blink of an eye. Fortunately, you are all here today, and I think we should all be proud of what you did and our hats are really off to you.

The connection is that drugs, which are rampant throughout society, it has gotten much worse those days. And the fact that so many of the things, as Mr. Schiff mentioned, so many of the incidents that you recollected and have told us about, these folks were on parole or probation or they were out early or whatever. These people should have been behind bars to begin with, and if they were behind bars these things would not have happened to most of you.

I believe very strongly that it is time that when we send a person to jail for 10 or 15 years or 20 years for a violent crime that they stay behind bars for that period of time, because they are at least not preying on the public while they are behind bars.

And, Mr. Baker, you mentioned about the letter you got about the fellow whose father had been killed. This guy was still on death row, what, 16 years later?

Mr. BAKER. Yes, since 1978.

Mr. CHABOT. That is another problem. We have a death penalty in this country where we sentence a person to death and we taxpayers are paying to keep them behind bars for 10, 12, 14, in the case of John Wayne Gacy up in Chicago, the guy that killed so many young boys up there, this guy was on death row for 16 years before he was finally executed.

I think we have to have a fair death penalty appeals process in this country, but we have to shorten the process by which these people are on death row or we make a mockery of the system. Criminals do not take it seriously.

So those are my thoughts and my comments that we are definitely going to have to get tougher with the criminals to protect our fellow citizens, but I do not personally believe that the answer is taking away weapons protection from law-abiding citizens such as yourself. I think we are just kidding ourselves if we think that we are helping our citizens by banning certain types of weapons. Because the criminals, let us face it, are going to get these and other weapons despite the fact that we pass laws here in Congress or at the State legislative level.

So, again, thank you very much for relating your stories here to us this morning. It is very eye opening, I think, to all of us and you are all to be commended for the actions that you took. I think there are many other Americans just like yourself perhaps that would have taken the same action if they were in that circumstance, and I am really proud of all of you. Thank you.

Mr. SCHIFF. Thank you, Mr. Chabot. Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

I want to join with my colleagues in thanking these witnesses for appearing today. I have no questions of this panel and I will yield back the balance of my time in hopes that the gentlelady who is visiting with us will have the opportunity to ask whatever questions she might have.

Mr. SCHIFF. I want to say I will extend it anyway. You still wish to yield back your time?

Mr. WATT. I still wish to.

Mr. SCHIFF. Thank you, Mr. Watt. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

All of us here today heard some of the opening statements. My colleague from New York used words like "extremists" and alluded to those of us who believe that the ban on so-called assault weapons last year does nothing to protect those in our society that truly need protection. Yet, I think the measure of how compelling the testimony of these eight witnesses has been is the fact that I do not hear words like "extremist" used after we heard from you today.

And I think that is also the reason why we do not have a lot of questions for you, because your stories, none of which were made up, none of which are related to us today by extremists, are unassailably real, and they go directly to the issues that are within the purview of this subcommittee, of the Judiciary Committee of this Congress.

But I think listening to some of the folks on the other side and outside of these walls you really wonder if we are hearing each other. I hear from this panel today that there are differences; that there are differences. We are not all on the same wavelength. We are not all able to lock arm in arm on some of these issues. There are differences.

I hear this panel today telling us, as Members of Congress responsible for reviewing laws of this land and recommending changes where we believe changes ought to be made, to reflect the will of the people and to carry out our duties, that the law that was passed last year would have prevented you from taking the defensive action to protect your lives and the lives of other people if that law had been in effect fully and were in force fully.

That is what I hear you telling us, and I here impliedly and explicitly in that your plea that this law be revisited along with other laws that need to be looked at to see if this Government, our Government, is indeed fulfilling its responsibility to protect you and to protect all of us, our lives, our properties, our businesses, and our homes from criminals.

So there are differences. That is why we are here today. If there were no differences, if we were all on the same wavelength we would not need to be here, but we are not. And that is a very important debate.

I would like to say, in closing, also that unlike others, I do not presume that any witness that takes their responsibility as citizens and comes before us today is armed with any hidden agenda. I do not presume that any of you, that any of the witnesses who are here today at the request of Mr. Schumer or any other member of this panel comes here today with a hidden agenda, with an improper motive at the request or being controlled by any outside group or organization. I do not presume that. I think that you all have a very compelling story to tell, a story that is very relevant to work that clearly is in our jurisdiction as members of this subcommittee of this committee of this Congress.

I would also reiterate what Mr. Murphy pointed out, and that is if one relies as the basis for last year's so-called assault weapons ban on the fact that people can traffic in firearms from one State to New York or to any other State, that is wrong; it is irrelevant

because that is already a crime. That is a red herring. That is a specious argument. And I thank Mr. Murphy for pointing that out.

I do have one question for you, Mr. Joo. In your home country of South Korea—

Mr. JOO. Yes, sir.

Mr. BARR [continuing]. How are criminals who use firearms in the commission of crimes dealt with?

Mr. JOO. In my home country, Korea, the criminals never use firearms because they are not allowed to carry or buy any firearm.

Mr. BARR. And those laws against those criminals are enforced?

Mr. JOO. Yes, they are totally prohibited to possess any firearms. Instead using a stick, sword, knife, baseball bat.

Mr. BARR. So in your country you would not have the right to defend yourself as you do here in America.

Mr. JOO. Yes, we have the right to defend ourselves but we have to do it without any firearms. Not even normal, ordinary civilians are allowed to have firearms other than police and military.

Mr. BARR. And are criminals generally dealt with swiftly in your country?

Mr. JOO. Crime problems is pretty insidious these days in Korea.

Mr. BARR. Thank you. And I thank this panel and yield back to the chairman the balance of my time.

Mr. MCCOLLUM. Thank you very much, Mr. Barr. Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Chairman, I want to thank you and the committee for allowing me to participate in this hearing today as a member of the firearms task force, and I thank Mr. Watt for yielding a portion of his time.

I am always very interested in his constitutional arguments and fine debate on the floor, and I find his earlier comments that he made to this body very interesting; that he will, in the light of the Constitution, listen and evaluate this subject very carefully.

I found Mr. Schumer's comments very interesting, too, where he said that no court finds that the second amendment is absolute. And I have to agree, to this degree; that the second amendment and all other rights of citizens are not absolute to those citizens who have given up rights because they have committed crimes. But to law-abiding citizens, the Constitution was constructed to be absolute and the right of the people to keep and bear arms should be something that we should be able to rely and depend on.

I find it interesting that as we contrast Washington, DC, the known crime capital of the United States of America, with Kennesaw Township, GA, where crime is very low, I find that comparison to be very interesting. In Washington, DC, as a woman who works very late sometimes, I am not allowed to carry anything that would protect myself, not even mace. Yet this is the crime capital of the Nation. In Kennesaw Township, GA, the township commissioners passed an ordinance that allows every home occupied by law-abiding citizens to be able to have a gun, and the crime rate there is very low. Just as it is in Switzerland.

In Switzerland, members of the standing militia must be able to take their weapons home and be able to keep them, and isn't it interesting that Switzerland, the last time Switzerland was invaded, including two major world wars, was by the Romans. They were

not invaded during World War I or World War II because the responsible citizens had the right to keep and bear arms.

I thank you, the members of the testifying panel for investing your time, your energy, and your intelligence in your testimony, coming so far to be here with us today. Thank you very much.

Mr. SCHIFF. Thank you, Mrs. Chenoweth, and we always appreciate your joining us.

I feel like I should say to this panel that we have reversed roles. I think we all just testified before you here during the past bit of time.

I think it is appropriate before I dismiss you to say you have listened to us a great deal. Briefly, would any member of the witness panel like to respond to what they have heard from us? I just want to make sure you get that opportunity, Ms. Ramboz.

Ms. RAMBOZ. I may be way off base, but there is something I feel like I need to say. I appreciate what you were saying. I didn't appreciate comments behind me that it was farfetched. I appreciated what you were saying, Ms. Lee, I think you really do understand. But one thing I heard you say that bothered me, that tugged at me and I want to clarify, is when you were making the comment about a certain race of people who are there that are getting these same guns, that type of thing, please note that I am Jewish, and I know not from books, not from what I was taught in school, but what I was taught by my family, who lost their lives that way, was that this was how Nazi Germany began, by taking away our rights and our guns. And this is one race of people, me, that I want to survive this time. And I don't want some government to come in starting this way and stop me and have a tragedy like that again. I hope I am coming across clear.

Mr. SCHIFF. Any other member—thank you, Ms. Ramboz. Any other member of the panel desire to respond briefly to what they have been hearing? Mr. Bridges.

Mr. BRIDGES. I would just like to say this law does not ban guns at all. You can still go out today and buy any of these guns. All we have done is forced the criminals to either steal the guns or have used ones. I think it is time for some practical laws aimed at the criminal to do something about this rather than simply, bang, buying new guns. Again, these guns are still available today, more so to the criminal than to the rest of us.

Mr. SCHIFF. I see no other requests from the witnesses.

Does any member have a real burning need, as the chairman said earlier, to add something before I dismiss the panel? Ms. Jackson Lee.

Ms. JACKSON LEE. I will. I thank you for your comment, and the only thing I would add is that we would all want that not to be in this country and that is not our intent and I would never think that we would ever get to that point. And I thank you for your comment.

Mr. SCHIFF. I want to personally thank the panel, and I just want to close with this observation, when we talked about the ban, I want to say so-called ban and so-called assault weapons because, as you know, it wasn't really a ban and they were not really assault weapons. Nevertheless, when we discussed that particular issue, it was said these weapons have no place for legitimate self-

defense. You have given us examples where they have been used for self-defense.

I don't think that forecloses the debate. I think there is still legitimate argument on the other side to bring forward. I am just saying you have made a significant contribution I think through this testimony, and I thank you for it. And you have our thanks for testifying today. You are all dismissed. Thank you for being here.

Before calling the second panel, we have been in session now for about 2½ hours and I would like to call a short recess of about 10 minutes before calling the second panel. So the subcommittee will be in recess for 10 minutes.

[Brief recess.]

Mr. SCHIFF. Ladies and gentlemen, I would like to reconvene the subcommittee, please. And I would like to begin by welcoming our second panel, invite them to take seats up front. They are Dr. James Wright, who is a professor of sociology at Tulane University. He is known as one of the Nation's leading scholars on firearms and violence. He has conducted an extensive research on the issue of crime, violence, and firearms and has written extensively on issues relating to firearms.

Also, our second member of the panel, Dr. David Bordua is a retired professor of sociology and a fellow of the American Society of Criminology. He is one of the leading researchers on issues of guns and violence having led several studies on guns and gun law enforcement in Illinois, in addition to being the mentor of two other known scholars on firearms issues, Gary Kleck and Alan Leatzug.

Gentlemen, welcome to the subcommittee. We appreciate your being here. I want to let you know that without objection your written statements, if you have submitted them, will be made part of the record, and you may proceed as you see fit.

May I first recognize Dr. Wright.

STATEMENT OF JAMES D. WRIGHT, PROFESSOR OF SOCIOLOGY, TULANE UNIVERSITY

Mr. WRIGHT. Thank you so much and thank you for the opportunity to be here.

My name is James Wright and I am a professor of sociology at Tulane University. I have spent the last 20 years of my academic career conducting research on guns and violence in American society. In the course of these two decades, I have come the conclusion that there are at least 10 simple but utterly important facts about guns in American that every participant in the gun control debate should be aware of. I have referred to these in a recent paper as 10 essential observations on guns in America, and my point is to share them with the committee today.

While many of the facts of the gun control issue are hotly contested and matters of great dispute, the 10 fundamental truths I wish to discuss are matters about which everyone more or less agrees. My first essential observation is that half the households in the country possess at least one gun. So far as I can tell, the first question about gun ownership asked of a national probability sample of U.S. adults was asked in 1959 and similar questions have been asked dozens of times since. Over the 35 years or so that

we have been asking the question, every survey has reported more or less the same result; namely, that half of all U.S. households own one or more guns.

Although many people know this to be true, I think many of the implications of this fact are not well appreciated. The fact that the ownership percentage has been effectively constant for nearly four decades, for example, while at the same time the total numbers of guns in circulation has increased rather substantially, implies that the increasing supply of guns has been absorbed largely by the purchase of additional guns among households already owning one or more of them. Indeed, there is fairly substantial and independent evidence that the average number of guns owned by persons owning any has increased from about three guns, 15 years ago, to approximately four guns today.

I think it is also obvious that from the viewpoint of public safety, the transition from N to N plus 1 guns is considerably less ominous than the transition from no guns to one gun. If this first implication is correct, incidentally, it means most of the people in the gunshops today buying new firearms already own guns—a useful point to keep in mind, for example, when pondering the alleged cooling-off function to be served by waiting periods imposed at the point of retail sale.

A second implication is that the gun ownership is not deviant behavior but rather a normative behavior across vast swaths of the social landscape. There are areas of the country where it would be an odd person indeed to not own a gun.

Finally, when we attempt to control crime or violence by controlling the general ownership or use of guns among the public at large, we are attempting to control the behaviors of a very small fraction of the population, the violent or criminally inclined fraction, by controlling the behaviors and activities of roughly half the American population. And whatever else might be said about such an approach, it is certainly not very efficient.

My second essential observation on guns in America today is that there are already something like 200 million firearms in circulation, give or take a few tens of millions to be sure. It has been said, I believe correctly, that firearms are the most commonly owned piece of sporting equipment in the United States, with the exception of pairs of sneakers and running shoes.

It is not entirely clear just how many acts of gun violence occur in the United States in any typical year. In recent years, we have been pushing 40,000 deaths from firearms. There are in addition to that, perhaps a few hundred thousand nonfatal but injurious firearms accidents, conceivably 500,000 or 600,000 chargeable firearm crimes committed every year, and God knows how many instances where guns are used to intimidate or to prey upon one's fellow human beings.

Making very generous allowances all around, however, the total number of acts of accidental and intentional gun violence, whether fatal, injurious, or not, cannot possibly be more than 1 or 2 million per annum at the absolute outside. This implies, moreover, the 200 million firearms now circulating in the U.S. market would be sufficient to sustain gun violence at the current rate for at least another century, this even assuming that every gun was used once

and only for some nefarious purposes and that all additions to the supply were halted permanently and at once. Because of the immensely large number of firearms already circulating in the U.S. market, the violence-reductive effects of even fairly draconian gun control measures enacted today might well not be felt for many decades.

A third observation is that most of the 200 million guns that are out there are owned for what I would consider to be socially innocuous sport and recreational reasons. About a third of the guns presently in circulation are handguns; the remainder are rifles and shotguns. When one asks gun owners why they owned guns, various sport and recreational activities dominated the responses: Hunting, target shooting, collecting, and the like.

Even when the question is restricted just to handgun owners, about 40 percent will say they own the gun for recreational applications; another 40 percent will say they own it for self-protection; and the remaining 20 percent will cite some job-related reason as the reason for them to own a gun. Thus, in the majority, I believe gun ownership is the topic more appropriate to the sociology of leisure than to the criminology or epidemiology of violence. Unfortunately, when we seek to control violence by controlling the general ownership and use of firearms among the public at large, it at least looks as though we have intuited some direct causal connection between drive-by shootings in the inner city and squirrel hunting or skeet shooting in the hinterland. For such in any case is the implication that the Nation's squirrel or skeet shooters often draw, and, frankly, it is no wonder they sometimes question the motives, not to mention the sanity, of anybody who would suggest such a preposterous thing.

My fourth observation is that many firearms are also owned for self-defense against crime, that some are indeed used for that purpose and that whether they are actually any safer or not, many people certainly seem to feel safer when they have a gun.

Findings have been mentioned this morning from recent work done by my colleague at Florida State, Gary Kleck, that Americans used guns to protect themselves from crime as often as a couple of million times a year, a finding that I know Dr. Bordua will discuss in more detail. If this is true, it is very hard to square with the common assumption of gun control advocates that guns are not efficacious as a private defense against crime.

Whatever the true number of self-defensive uses proves to be, about a quarter of all gunowners and half of the handgun owners give crime or self-protection as the main reason they own a gun, and large percentages who give some other main reason will mention self-defense as a secondary reason.

Gun owners and gun advocates insist that guns provide real protection, as indeed the panel that preceded us testified, and, indeed, as Gary Kleck's findings suggest. Antigun advocates insist that the sense of security is more illusory than real. But the fact is that practically everything people do to protect themselves against crime provides only the illusion of security in that any such measure can be defeated by a sufficiently clever and motivated criminal. Most people have realized, no doubt correctly, that the police cannot protect them from crime. So people face the need to protect

themselves and many choose to own a gun along with taking many other measures for precisely this purpose.

My question is whether a society that is manifestly incapable of protecting its citizens from crime really has any right or moral authority to tell people what they may or may not do to protect themselves.

My fifth observation is that the bad guys do not obtain their guns through normal retail channels. The research on both adult and juvenile felons makes it obvious that the illegal firearms market is dominated overwhelmingly by informal swaps trades, and purchases involving family members, friends, acquaintances, drug dealers, street and black market sources of various sorts. It is a pretty rare criminal indeed who attempts to acquire a gun through a conventional over-the-counter transaction with a normal retail outlet.

Now many efforts at gun control pertain to the initial retail sale of weapons; for example, the prohibition against gun purchases by people with felony records or by alcohol and drug histories or the national 5-day waiting period in the Brady bill, or various State and local permit and registration laws. Since felons rarely obtain guns through customary retail channels, these kinds of controls imposed at the point of retail sale must necessarily miss the vast majority of criminal firearms transactions.

Having learned, now well more than a decade ago incidentally, that the criminal acquisition of guns involves these informal and hard-to-regulate transfers, average gunowners often conclude, whether correctly or not, that such measures as registration, permits, waiting periods and so on and so forth must therefore be intended primarily to keep tabs on them; that registration or permit requirements are just the first step toward outright confiscation of all privately held firearms, for example, or that mandated registration of new gun purchases is an unwarranted police state intrusion on the constitutional rights of law-abiding citizens. It doesn't really matter whether they are correct in this judgment or not; that they reason in this vein, I think, is sufficient. It is reasoning in precisely this vein that often seems bizarre or even psychotic to proponents of these kinds of measures, but is exactly the style of reasoning I think that raises the stakes in the debate over guns and that accounts for the white hot ferocity of that debate today.

My sixth observation is that the bad guys inhabit a violent world; as such, a gun often spells a life or death difference to them. If you ask felons, whether adult or juvenile, why they own guns, why they carry guns, themes of self-protection, self-defense, survival and so on dominate their responses. Very few of the bad guys say they acquire or carry guns specifically for offensive or crime-committing purposes, although that is obviously how many of them get used.

These men live in an extraordinarily hostile environment. Many of them come to believe, no doubt correctly, that their ability to survive in that environment depends critically on being adequately armed. Adequately armed in this case means being better armed than your most likely adversary; namely, the police.

If sheer survival is indeed the issue, then a gun is a bargain at practically any price. As James Q. Wilson has recently argued, the

largest share of the gun violence problem results from the wrong kinds of people carrying guns at the wrong time and place.

The survival motive among the bad guys means exactly that the wrong kinds of people will be carrying guns pretty much all the time. The evident implication is that the bad guys have to be disarmed on the street if the rates of gun violence are to decline and that, I think, implies a range of intervention strategies far removed from what gun control advocates have recently urged on the American population.

My seventh observation is everything the bad guys do with the guns is already against the law. That criminals will generally be indifferent to the law would seem to follow from the definition of the terms, but it is a lesson we have had to learn time and again throughout our history. In fact, as has already been stated in the panel this morning, gun acquisition by felons, whether retail or private sources, for whatever reason is already illegal. Yet, obviously felons still acquire guns.

Since practically everything the bad guys do with their guns or do to obtain their guns is already against the law, one is entitled to wonder whether there is some new law that we have not yet thought up that we can somehow pass that will persuade them to stop it.

My eighth observation, a theoretical observation from my colleagues in the department of economics: demand creates its own supply. This is sometimes called the first law of microeconomics. And clearly it holds whether the commodity in demand is legal or illegal. So long as the demand for some product exists, there will be profit to be made in satisfying that demand and, therefore, the product will be available. That is only a fancy way of saying as long as people wish to own guns, be they criminals or average Joes, then guns will be there for them to own.

I think it relevant that, for example, Brazil manufactures small arms. Brazil makes actually pretty inexpensive but relatively decent small arms. I think in fundamental respects, the question whether we can disarm the American criminal population amounts to asking whether an organized criminal enterprise that successfully imports hundreds of tons of Colombian cocaine into the U.S. market every year would not find the means to illegally import hundreds of tons of handguns from Brazil if there were some reason to do so or some profit to be made in so doing. And if you agree with me that this proposition is more or less self-evidently true, you will conclude that we will never reduce the supply of firearms to the criminal population by enough to make an appreciable difference.

My ninth observation is that per se, guns are neither inherently good nor inherently evil; guns, that is, do not possess their own telology. Benevolence and malevolence inhere in the motives and behaviors of people, not in the technology they possess. All guns are nothing more, nothing less than a chunk of machined metal that has a variety of purposes to which it could be put, all involving a small projectile hurtling at high velocity downrange to lodge itself in a target. We can only say that guns are good when the target strikes us as an appropriate one and evil when not. The gun itself is immaterial to this moral judgment.

Singling out certain types of guns for specific policy attention, assault weapons these days, Saturday-night special handguns in an earlier era, is almost always justified on the grounds that the type of gun in question, quote, has no legitimate use or, quote, is designed only to kill. By definition, however, all guns are designed to kill, which is to say designed to hurtle a projectile downrange to lodge in a target.

And if one grants the proposition, which I admit is an arguable proposition, that self-defense against predation and plunder is a legitimate reason to own a gun, then all guns, regardless of their type of characteristics, regardless of their fire power, regardless of their quality, all guns regardless have some potentially legitimate application. It seems to me, therefore, that the frequent focus in gun control circles on certain bad guns is fundamentally misplaced, the idea that there are "good" ones or "bad" ones and we should get rid of the bad ones. When all is said and done, it is the behavior of people I think we need to control.

Finally, my 10th observation is that guns are important elements of our history and our culture. Attempts to control crime by regulating the ownership or use of firearms are attempts to regulate the artifacts and activities of a culture that in its own way is as unique as any of the other myriad cultures that comprise the American ethnic mosaic. This is what is referred to as the American gun culture, about which many have written, and I believe remains among the least understood of any of the various subcultural strands that make up modern society.

The existence and characteristics of the American gun culture have implications rarely appreciated. For one, gun control deals with matters that people feel strongly about, that are part of their background and their heritage and upbringing and their world view. Advocates for gun control are frequently taken aback by the stridency with which their seemingly modest and sensible proposals are attacked, but from the gun culture's point of view, restrictions on the right to keep and bear arms amount to the systematic destruction of a valued way of life and are in that sense a form of cultural genocide.

Scholars and criminologists and legislators who speculate on the problems of guns, crime, and violence would, I think, profit to look at things at least occasionally from the gun culture's point of view. There are about 50 million U.S. families who own firearms and hardly any of these families have ever harmed anyone with their guns and virtually none ever intend to. Nearly everything these families will ever do with their guns is both legal and largely innocuous. So when we advocate restrictions on their right to own guns as a means of fighting crime, we are casting aspersions on their decency, as though we somehow hold them responsible for the crime and violence that plague the Nation. Is it any wonder they object, often loudly and vociferously, to such slander. And thank you so much for your attention. Dr. Bordua.

[The prepared statement of Mr. Wright follows:]

PREPARED STATEMENT OF JAMES D. WRIGHT, PROFESSOR OF SOCIOLOGY, TULANE UNIVERSITY

Talk of "gun control" is very much in the air these days. Emboldened by their successes in getting Brady enacted into law, the pro-control forces are now striking on a number of fronts: bans on various so-called assault weapons, mandatory gun registration, strict new laws against juvenile acquisition and possession of guns, and on through the list. Much current gun control activity springs from a recent and generally successful effort to redefine gun violence as mainly a public health issue, not a criminal justice issue.

Increasingly, the ammunition of the gun control war is data. Pro-control advocates gleefully cite studies that seem to favor their position, of which there is no shortage, and anti-control advocates do likewise. Many of the "facts" of the case are, of course, hotly disputed; so too are their implications and interpretations. Here I should like to discuss ten essential facts about guns in America that are not in dispute—ten fundamental truths that all contestants either do or should agree to—and briefly ponder the implications of each for how the problem of guns and gun violence should perhaps be approached. These facts and their implications derive from some twenty years of research and reflection on the issues.

1. *Half the households in the country own at least one gun.* So far as I have been able to determine, the first question about gun ownership asked of a national probability sample of US adults was posed in 1959; a similar question about whether anyone in the household owns a gun has since been repeated dozens of times. Over the ensuing 35 years, every survey has reported more or less

the same result, that just about half of all US households own one or more guns. This is probably not the highest gun ownership percentage among the advanced industrial societies (which honor probably goes to the Swiss), but it would qualify as a very respectable showing. We are, truly, a "gun culture."

It seems to me that five important implications follow more or less unambiguously from this first essential observation:

(i) The ownership percentage has been effectively constant for nearly four decades; at the same time, the total number of guns in circulation has increased rather substantially, especially in the last two decades. The evident implication is that the increasing supply of guns has been absorbed by population growth (with newly formed households continuing to arm themselves at the average rate) and by the purchase of additional guns by households already owning one or more of them. In fact, there is fairly solid evidence that the average number of guns owned by households owning any has increased from about 3 in the late 1970s to about 4 today.

(ii) Thus, many or most (conceivably, nearly all) of the new guns coming into the market are being purchased by people who already own guns as opposed to first-time purchases by households or individuals who previously owned no guns. I think it is also obvious that from the viewpoint of public safety, the transition from N to $N + 1$ guns is considerably less ominous than the transition from 0 to 1 gun. If this second implication is correct, it means that *most of the people in the gun shops today buying new guns already own at least one gun*, a useful point to keep in mind when pondering, for example, the alleged "cooling off" function to be served by waiting periods imposed at the point of retail sale.

(iii) It is frequently argued by pro-control advocates that the mere presence of guns causes people to do nutty and violent things they would otherwise never even consider. In the academic literature on "guns as aggression-eliciting stimuli," this is called the "trigger pulls the finger"

hypothesis. If there were much substance to this viewpoint, the fact that *half* of all US households possess a gun would seem to imply that there ought to be a lot more nuttiness "out there" than we actually observe. In the face of widespread alarm about the sky-rocketing homicide rate, it is important to remember that the rate is still expressed as a relatively small number of homicides (10-15 or so) per *hundred thousand* people. If half the households own guns and the mere presence of guns incites acts of violence, then one would expect the bodies to be piled three deep, and yet they are not.

(iv) Gun ownership is not "deviant" but rather *normative* behavior across vast swaths of the social landscape. In certain states and localities, it would be an odd duck indeed who did not own a gun. Surveys in some smaller Southern cities, for example, have reported local gun ownership rates in excess of 90%.

(v) When we attempt to control crime or violence by controlling the general ownership or use of guns among the public at large, we are attempting to control the behaviors of a very *small* fraction of the population (the criminally or violently inclined fraction) by controlling the behaviors and activities of roughly half the US population. Whatever else might be said about such an approach, it is certainly not very efficient.

2. *There are 200,000,000 guns already in circulation in the US, give or take a few tens of millions, to be sure. It has been said, I think correctly, that firearms are the most commonly owned piece of sporting equipment in the US, with the exception of pairs of sneakers. In any case, contestants on all sides of the gun debate generally agree that the total guns in circulation number something on the order of 200,000,000—nearly one gun for every man, woman and child in the country.*

It is not entirely clear how many acts of gun violence occur in any typical year. There are some 30-35,000 deaths due to guns each year, perhaps a few hundred thousand non-fatal but injurious

firearms accidents, maybe 500,000 or 600,000 chargeable gun crimes (not including crimes of illegal gun possession and carrying), and God knows how many instances where guns are used to intimidate or prey upon one's fellow human beings. Making generous allowances all around, however, the total number of acts of accidental and intentional gun violence, whether fatal, injurious, or not, cannot be more than a couple of million, at the outside. This implies that the 200,000,000 guns now in circulation would be sufficient to sustain roughly *another century* of gun violence at the current rates, even assuming that each gun was used once and only once for some nefarious purpose and that all additions to the supply were halted permanently and at once. Because of the large number of guns already in circulation, the violence-reductive effects of even fairly Draconian gun control measures enacted today might well not be felt for decades.

Many recent gun control initiatives, for example, the Brady Act, are aimed at the point of retail sale of firearms and are therefore intended to reduce or in some way disrupt the flow of new guns onto the domestic market. At the outside, the number of new guns coming onto the market yearly is a few million, which, perforce, adds but a few per cent to the existing supply. If we intend to control gun violence by reducing the availability of firearms to the general public, as many argue we should, then we have to find some workable means to confront or control the vast arsenal of guns already circulating through private hands.

Various "amnesty," "buy-back," and "please turn in your guns" measures have been attempted in various jurisdictions all over the country; in one well-publicized effort, teen-agers could swap guns for Toys R Us gift certificates. The success of these programs has been measured in units of several dozen or at most a few hundred relinquished firearms; the net effect on the overall supply of guns is way too trivial to even bother calculating.

3. *Most of those 200,000,000 guns are owned for socially innocuous sport and recreational reasons.* Only about a third of the guns presently in circulation are handguns; the remainder are

rifles and shotguns. When one asks gun owners why they own guns, various sport and recreational activities dominate the responses-- hunting, target shooting, collecting, and the like. Even when the question is restricted to handgun owners, about 40% say they own the gun for sport and recreational applications, another 40% say they own it for self-protection, and the remaining 20% cite their job or occupation as the principal reason for owning a gun.

Thus, in the majority, gun ownership is apparently a topic more appropriate to the sociology of leisure than to the criminology or epidemiology of violence. Many pro-control advocates look on the sporting uses of guns as atavistic, barbaric, or just plain silly. But an equally compelling case could be made against golf, which causes men to wear funny clothes, takes them away from their families, and gobbles up a lot of pretty, green, open space that would be better used as public parks. It is, of course, true that golf does not kill 35,000 people a year (although middle aged men drop dead on the golf course quite regularly), but it is likewise true that the sport and recreational use of guns also does not kill 35,000 people a year. There are fewer than a thousand fatal hunting accidents annually; death from skeet shooting, target practice and such is uncouncted but presumably very small. It is the violent or criminal *abuse* of guns that should concern us, and the vast majority of guns now in circulation will never be used for anything more violent or abusive than killing the furry creatures of the woods and fields.

Unfortunately, when we seek to control violence by controlling the general ownership and use of firearms among the public at large, it at least *looks* as though we think we have intuited some direct causal connection between drive-by shootings in the inner city and squirrel hunting or skeet shooting in the hinterland. Such, in any case, is the implication that the nation's squirrel hunters and skeet shooters often draw, and frankly, is it any wonder they sometimes come to question the motives, not to mention the sanity, of anyone who would suggest such a thing?

4. *Many guns are also owned for self-defense against crime, and some are indeed used for that purpose; whether they are actually any safer or not, many people certainly seem to feel safer when they have a gun.* There is a fierce debate raging in gun advocacy circles these days over recent findings by Gary Kleck that Americans use guns to protect themselves against crime as often as one or two million times a year, which, if true, is hard to square with the common assumption of pro-control advocates that guns are not an efficacious defense against crime. Whatever the true number of self-defensive uses, about a quarter of all guns owners and about forty per cent of handgun owners mention defense against crime as the main reason they own a gun, and large percentages who give some other main reason will cite self-defense as a secondary reason. Gun owners and gun advocates insist that guns provide real protection, as Kleck's findings suggest; anti-gun advocates insist that the sense of security is more illusory than real.

But practically *everything* people do to protect themselves against crime provides only the illusion of security in that any such measure can be defeated by a sufficiently clever and motivated criminal. Dogs can be diverted or poisoned, burglar bars can be breached, home alarm systems can be subverted, chains and dead-bolt locks can be cut and picked. That sales of all these items have sky-rocketed in recent years is further proof—as if further proof were needed—that the fear of crime is *real*. Most people have also realized, correctly, that the police cannot protect them from crime. So people face the need to protect themselves and many choose to own a gun, along with taking many other measures, for this purpose. Does a society that is manifestly incapable of protecting its citizens from crime and predation really have the right or moral authority to tell people what they may and may not do to protect themselves?

Since the "sense of security" is inherently a psychological trait, it does no good to argue that the sense of security afforded by owning a gun is just an "illusion." Psychological therapy provides an *illusion* of mental wellness even as we remain our former neurotic selves, and is nonetheless

useful. The only sensible response to the argument that guns provide only an "illusion" of security is, So what?

5. *The bad guys do not obtain their guns through customary retail channels.* Research on both adult and juvenile felons and offenders has made it obvious that the illicit firearms market is dominated, overwhelmingly, by informal swaps, trades, and purchases among family members, friends, acquaintances, and street and black market sources. It is a rare criminal indeed who attempts to acquire a gun through a conventional over-the counter transaction with a normal retail outlet. So far as the guns circulating through criminal hands are concerned, it is also obvious that many or most of them enter the illicit market through theft from legitimate gun owners. (An aside of some possible significance: Large numbers of legitimate gun owners also obtain guns through informal "street" sources.)

As I have already noted, many efforts at "gun control" pertain to the initial retail sale of weapons, for example, the prohibition against gun purchases by people with felony records or alcohol or drug histories contained in the GCA of 1968, or the national five-day waiting period, or various state and local permit and registration laws. Since felons rarely obtain guns through retail channels, controls imposed at the point of retail sale necessarily miss the vast majority of criminal firearms transactions. It is thus an easy prediction that the national five-day waiting period will have no effect on the acquisition of guns by criminals because that is not how the bad guys get their guns in the first place.

Having learned (now more than a decade ago) that the criminal acquisition of guns involves informal and intrinsically difficult-to-regulate transfers that are entirely independent of laws concerning registration and permits, average gun owners often conclude (whether rightly or wrongly) that such measures must therefore be intended primarily to keep tabs on them, that registration or permit requirements are "just the first step" towards outright confiscation of all privately-held

firearms, and that mandated registration of new gun purchases is thus an unwarranted "police state" intrusion on law-abiding citizens' constitutional rights. Reasoning in this vein often seems bizarre or even psychotic to proponents of registration or permit laws, but it is exactly this style of reasoning that accounts for the white-hot ferocity of the debate over guns in America today.

Likewise the national waiting period: Since it is well-known that the bad guys do not generally obtain guns through normal retail channels, waiting periods enforced at the point of retail sale can only be aimed at thwarting the legitimate intentions of the "good guys." What conceivable crime-reductive benefit will a national five-day waiting period give us? And if the answer is "probably very little," then the minds of average gun owners are freed to speculate on the nefarious and conspiratorial intentions that may be harbored, consciously or not, by those who favor such a thing. The distinction between ill-considered and evil is quickly lost, and the debate over guns in America gets hotter still.

That the illicit gun market is supplied largely through theft from legitimate owners erodes any useful distinction between legitimate and illegitimate guns. Any gun that can be owned legitimately can be stolen from its legal owner and end up in criminal hands. The effort to find some way to interdict or interfere with the criminal gun market while leaving legitimate owners pretty much alone is therefore bootless. So long as anybody can have a gun, criminals will have them too. And it is useful to remember that there are 200,000,000 guns out there—an average of four of them in every second household.

6. *The bad guys inhabit a violent world; a gun often spells a life-or-death difference to them.* When one asks felons—either adult or juvenile—why they own and carry guns, themes of self-defense, protection, and survival dominate the responses. Very few of the bad guys say they acquire or carry guns for offensive or crime-committing purposes, although that is obviously how many of them get used. These men live in a very hostile and violent environment and many of them have come to

believe, no doubt correctly, that their ability to survive in that environment depends critically on being adequately armed. Thus, the bad guys are highly motivated gun consumers who will not be easily dissuaded from possessing, carrying and using guns. If sheer survival is the issue, then a gun is a bargain at practically any price. As James Q. Wilson has argued, the largest share of the gun violence problem results from the wrong kinds of people carrying guns at the wrong time and place; the survival motive among the bad guys means exactly that the "wrong kinds of people" will be carrying guns pretty much all the time; the evident implication is that the bad guys have to be disarmed on the street if the rates of gun violence are to decline, and that, I think, implies a range of intervention strategies far removed from what gun control advocates have recently urged on the American population.

7. *Everything the bad guys do with their guns is already against the law.* That criminals will generally be indifferent to our laws would seem to follow from the definitions of the terms, but it is a lesson that we have had to relearn time and time again throughout our history. So let me stress an obvious point: Murder is already against the law, yet murderers still murder; armed robbery is against the law yet robbers still rob. And as a matter of fact, gun acquisition by felons whether from retail or private sources is also already illegal, yet felons still acquire guns. Since practically everything the bad guys do with their guns is already against the law, one is entitled to wonder whether there is any new law we can pass that would persuade them to stop it. It is more than a little bizarre to assume that people who routinely violate our laws against murder, robbery or assault would somehow find themselves compelled to obey our gun laws, whatever provisions they might contain.

8. *Demand creates its own supply.* That "demand creates its own supply" is sometimes called the First Law of Economics. And it clearly holds whether the commodity in demand is legal or illegal. So long as a demand exists, there will be profit to be made in satisfying it and therefore, it will be satisfied. In a capitalist economy, it could scarcely be otherwise. So long as people want to

own guns, be they criminals or average Joes, guns will be available for them to own. The vast arsenal of guns already out there exists in the first instance because people who own guns like guns, they like the activities that guns make possible, they like the sense of security that guns provide. "Supply side" approaches to the gun problem are never going to be any more effective than "supply side" approaches to the drug problem, which is to say, not effective at all. What alcohol and drug prohibition should have taught us, but apparently has not, is that if a demand exists and there is no legal way to satisfy it, then an illegal commerce in the commodity is thereby spawned and we end up often creating many more problems than we have solved.

Brazil and several European nations manufacture small arms; the Brazilian lines are relatively inexpensive but pretty decent guns. In fundamental respects, the question whether we can disarm the American criminal population amounts to asking whether an organized criminal enterprise that successfully imports hundreds of tons of Colombian cocaine into the US market each year would not find the means to illegally import hundreds of tons of handguns from Brazil. And if you agree that this proposition is more or less self-evidently true, then you will also conclude that we will never reduce the supply of firearms to the criminal population by enough to make an appreciable difference.

9. *Per se*, guns are neither inherently good nor inherently evil; guns, that is, do not possess teleology. Benevolence and malevolence inhere in the motives and behaviors of people, not in the technology they possess. Any firearm is neither more nor less than a chunk of machined metal that has a variety of purposes to which it can be put, all involving a small projectile hurtling at high velocity down-range to lodge itself in a target. We can only say that guns are "good" when the target is appropriate and "evil" when it is not; the gun itself is immaterial to this judgement.

Gun control advocates have a long history of singling out "bad" guns for policy attention. At one time, the emphasis was very much on small, cheap handguns, which were thought to be inherently "bad" because (1) no legitimate use was thought to exist for the Saturday Night Special;

and (2) they were thought to be the preferred firearm among criminals. Both these thoughts turned out to be incorrect. Somewhat later, all handguns regardless of their characteristics were singled out (as in the National Coalition to Ban Handguns); most recently, the so-called military-style assault weapons are the "bad guns of the month."

Singling out certain types of guns for policy attention is almost always justified on the grounds that the type of gun in question "has no legitimate use" or "is designed only to kill." By definition, however, all guns are "designed to kill" (i.e., to hurl a projectile downrange to lodge in a target) and if one grants the proposition that self-defense against predation and plunder is a legitimate reason to own a gun, then all guns, regardless of their type or characteristics, have at least some potentially "legitimate" application. It seems to me, therefore, that the focus in gun-control circles on certain "bad" guns is fundamentally misplaced. When all is said and done, it is the behavior of people that we should seek to control. Any gun can be used legitimately by law-abiding people to hunt, target shoot, or defend themselves against crime; and likewise, any gun can be used by low-life to prey upon and intimidate other people. Trying to sort firearms into "inherently evil" and "inherently OK" categories seems fundamentally silly.

10. *Guns are important elements of our history and culture.* Attempts to control crime by regulating the ownership or use of firearms are attempts to regulate the artifacts and activities of a culture that, in its own way, is as unique as any of the myriad other cultures that comprise the American ethnic mosaic. This is the American gun culture, about which many have written, and it remains among the least understood of any of the various subcultural strands that make up modern American society.

There is no question that a "gun culture" exists, one that amply fulfills any definition of a culture. The best evidence we have on its status as a culture is that the single most important predictor of whether a person owns a gun is whether his or her father owned one, which means that

gun owning is a tradition transmitted across generations. Most gun owners report that there were firearms in their homes when they were growing up; this is true even of criminal gun users.

The existence and characteristics of the American gun culture have implications that rarely are appreciated. For one, gun control deals with matters that people feel strongly about, that are integral to their up-bringing and their world view. Gun control advocates are frequently taken aback by the stridency with which their seemingly modest and sensible proposals are attacked, but from the gun culture's viewpoint, restrictions on the right to "keep and bear arms" amount to the systematic destruction of a valued way of life, and are thus a form of cultural genocide.

Guns evokes powerful, emotive imagery that often stands in the way of intelligent debate. To the pro-control point of view, the gun is symbolic of much that is wrong in American culture. It symbolizes violence, aggression, and male dominance, and its use is seen as an acting out of our most regressive and infantile fantasies. To the gun culture's way of thinking, the same gun symbolizes much that is right in the culture. It symbolizes manliness, self-sufficiency, and independence, and its use is an affirmation of man's relationship to nature and to history. The "Great American Gun War," as Bruce-Briggs has described it, is far more than a contentious debate over crime and the equipment with which it is committed. It is a battle over fundamental and (or so I would argue) equally legitimate values.

Scholars and criminologists who speculate on the problem of guns, crime and violence would thus do well to look at things, at least occasionally, from the gun culture's point of view. Hardly any of the 50 million or so American families that own guns have ever harmed anyone with their guns, and virtually none ever intend to. Nearly everything these families will ever do with their firearms is both legal and largely innocuous. When we advocate restrictions on their rights to own guns as a means of fighting crime, we are casting aspersions on their decency, as though we somehow hold them responsible for the crime and violence that plague this nation. It is any wonder they object, often vociferously, to such slander?

STATEMENT OF DAVID BORDUA, PROFESSOR OF SOCIOLOGY, UNIVERSITY OF ILLINOIS

Mr. BORDUA. My name is David Bordua. I am a professor of emeritus at the University of Illinois, the department of sociology. And I guess one of the few claims to distinction I have is that I followed Jim Wright in doing, I hope, decent quality research on guns.

Mr. COBLE. Mr. Chairman, would the doctor please pull the mike a little closer to him? Thank you. Thank you, sir.

Mr. BORDUA. I am going to speak to some extent about the work of Gary Kleck, whom Professor Wright has already mentioned. So I would like to mention his name. All of us in the firearms sociology, firearms business owe a great deal to him, but there is another person I would like to mention with your indulgence and that is Prof. Tamryn Etten at Auburn University, who has helped me put together some of these observations.

To repeat a little bit what Jim Wright just said about half the population has ready access, that is household access, to a gun; the estimates around 200 million plus or minus a few 10 million. I would say maybe 20 plus or minus 10 million or so. Somewhere in the neighborhood of 40 percent of handgun owners report having personal defense or protection as a prime reason for owning a gun and somewhere in the neighborhood of a quarter of all gun owners.

When we first started doing our research in Illinois in the 1970's, this notion of purpose was very much to the forefront of our attention, in part because it has great significance for any kind of inference one can draw about the relationship of guns and crime.

It was common at that time, and has been common ever since, for people to fairly unequivocally say that it is true, that where there are more guns, there is more crime, and until we began studying purposes with some sophistication, that seemed like a perfectly sensible way to do business. Except, of course, if people are buying guns or acquiring guns to defend themselves against crime, then the causal direction may be backwards. That is the reason why there are—that if there are more guns where there is more crime, it may be that crime causes people to get guns rather than guns cause people to commit crimes. So understanding the purposes for which people own guns became central simply as a technical matter.

Gary Kleck, however, transformed the study of purposes into the study of defensive uses, and it is this body of work which I would like to talk about.

Beginning in 1988, Kleck published the results of surveys that had been done, I think there were 14 of them at the time, that had been done by a variety of sources. All decent though not necessarily outstanding quality surveys. And he used them to try and estimate the number of actual defense uses, which of course is very different from asking people's purposes.

He estimated that annually there are anywhere from 650,000 to 1 million actual uses of guns by people in the United States. This dropped into the gun research world like the proverbial bombshell. No one had any idea that the numbers would come out to be this high. And it led to a great deal of criticism, which I will cover in a little bit.

Partly in response to the criticism and partly in response to the fact that these other surveys had not really focused on this phenomenon, Kleck did his own work, data collected in 1993, and designed the survey to meet effectively all of the criticisms that had been leveled at his earlier work. The estimate he came up with in this better work was better than double the size of the earlier estimate.

He now estimates, and you have heard this over and over again, the numbers have become famous, I guess, between 2 and 2½ million uses per year as reported by survey respondents.

He was particularly concerned that these reports be critiqued in such a way that we could attach some validity to them, and so in order for a report of a defensive gun use to be acceptable in his survey, it had to have the following three characteristics:

First, it had to be a face-to-face confrontation. Nothing was counted of the sort, "I heard a noise in my back yard and so I got the gun out of the closet." That sort of thing is not counted in the 2 to 2½ million. It had to be a face-to-face confrontation.

Second, the defender had to have at least threatened the offender with the gun. He had to have done something. At least said here, "I have a gun, I will use it on you if you don't stop."

Third, that the defender could articulate in some fashion what offense he or she thought was being committed or was about to be committed by the offender.

There is a great deal of information in his latest study on all of these matters, and I ask the committee's permission to include his paper in the record, even though I don't have a proper copy. The copy I have with me is completely marked up.

Mr. SCHIFF. Without objection, that paper will be accepted into the record.

Mr. BORDUA. Thank you very much.

[The information follows:]

ARMED RESISTANCE TO CRIME: THE PREVALENCE AND NATURE OF SELF-DEFENSE WITH A GUN

(By Garry Kleck and Marc Gertz, School of Criminology and Criminal Justice, the Florida State University, Tallahassee, FL, April 7, 1995)

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INTRODUCTION

Crime victims used to be ignored altogether by criminologists. Then, beginning slowly in the 1940s, and more rapidly in the 1970s, interest in the victim's role in crime grew. This interest, however, was limited by a tendency to treat the victim as either a passive target of another person's wrongdoing, or as a virtual accomplice of the criminal. The concept of the victim-precipitated homicide (Wolfgang 1958) highlighted the possibility that victims are not always blameless and passive targets, but that they sometime initiate or contribute to the escalation of a violent interaction through their own actions, which they would often claim were defensive in nature.

Perhaps due to an unduly narrow focus on lower-class male-on-male violence, scholars have shown little openness to the possibility that a good deal of "defensive" violence by persons claiming the moral status of victim may be just that. Thus, a large share of violent interactions are routinely assumed, by many scholars, to be "mutual combat" involving two blameworthy parties who can each be regarded as both offender and victim. The notion that much violence is one-sided that many victims of violence are indeed largely blameless is seemingly dismissed as naive.

A few criminologists have rejected the simplistic "mutual combat" model of violence, though sometimes limiting this rejection to a few special subtypes of violence, especially family violence, rape, and, more generally, violence of men against women and of adults against children (Berk et al. 1983). However, the more one looks, the more exceptions become evident, e.g. felony killings linked with robberies, burglaries, or sexual assaults; contract killings; mass killings; serial murders; and a host of more ordinary homicides where the violence is one-sided. Indeed, it may be more accurate to see the "mutual combat" common among lower-class males to be the exception rather than the rule. If this is so, then any forceful actions taken by victims are easier to see as genuinely and largely defensive.

Once one turns to defensive actions taken by the victims of property crimes, it is even easier to take this view. There are few robberies, burglaries, larcenies, or auto thefts where it is hard to distinguish offender from victim, or to identify one of the parties as the clear initiator of a criminal action and another party as a relatively legitimate responder to those initiatives. The traditional conceptualization of victims as either passive targets or active collaborators slights another possible victim role: that of the active resister who does not initiate or accelerate any illegitimate activity, but rather uses various means of resistance for legitimate purposes such as avoiding injury or property loss.

Victim resistance can be merely passive or verbal, but much of it is active and even forceful. Potentially, the most consequential form of forceful resistance is armed resistance, especially resistance with a gun. This form of resistance is worthy of special attention for many reasons, both policy-related and scientific. The policy-related reasons are obvious—if self-protection with a gun is commonplace, it means that any form of gun control which disarmed large numbers of prospective victims (either altogether, or only in certain times and places where victimization might occur) would carry significant social costs in terms of lost opportunities for self-protection.

The scientific reasons, on the other hand, are likely to be familiar only to the relatively small community of scholars who study the consequences of victim self-protection: the defensive actions of crime victims have significant effects on the outcomes of crimes, and the effects of armed resistance differ from those of unarmed resistance. Previous research has consistently indicated that victims who resist with a gun or other weapon are less likely than other victims to lose their property in robberies (Hindelang 1976; Ziegenhagen and Brosnan 1985; Kleck 1988; Kleck and DeLone 1993, p. 68) and in burglaries (Cook 1991, p. 57). It has also consistently indicated that victims who resist by using guns or other weapons are less likely to be injured compared either to victims who do not resist or to those who resist without weapons. This is true whether the research relied on victim surveys or on police records, and whether the data analysis consisted of simple cross-tabulations or more complex multivariate analyses. These findings have been obtained both with respect to robberies (Ziegenhagen and Brosnan 1985; Kleck 1988; Kleck and DeLone 1993) and assaults (Kleck 1988). Cook (1991, p. 58) offers the unsupported personal opinion concerning robbery victims that resisting with a gun is only prudent if the robber does not have a gun. The primary data source on which Cook himself relies, however, flatly contradicts this opinion. National Crime Victimization Survey (NCVS) data indicate that even in the very disadvantageous situation where the robber has a gun, victims who resist with guns are still substantially less likely to be injured than those who resist in other ways, and even slightly less likely to be hurt than those who do not resist at all (Kleck and DeLone 1993, p. 75).

With regard to studies of rape, while samples typically include too few cases of self-defense with a gun for separate analysis, McDermott (1979), Quinsey and Upfold (1985), Lizotte (1986), and Kleck and Sayles (1990) all found that victims who resisted with some kind of weapon were less likely to have the rape attempt completed against them. Findings concerning the impact of armed resistance on whether rape victims suffer additional injuries beyond the rape itself are less clear, due to a lack of information on whether acts of resistance preceded or followed the rapist's attack. The only two rape studies with the necessary sequence information found that forceful resistance by rape victims usually follows, rather than precedes, rapist attacks inflicting additional injury, undercutting the proposition that victim resistance increases the likelihood that the victim will be hurt (Quinsey and Upfold

1985, pp. 46-47; Ullman and Knight 1992, p. 39). This is consistent with findings on robbery and assault (Kleck 1988, p. 9).

THE PREVALENCE OF DEFENSIVE GUN USE (DGU) IN PREVIOUS SURVEYS

The National Crime Victimization Survey (NCVS)

However consistent the evidence may be concerning the effectiveness of armed victim resistance, there are some who minimize its significance by insisting that it is rare (Cook 1991; McDowall, Loftin and Wiersema 1992; Reiss and Roth 1993, p. 265). This assertion is invariably based entirely on a single source of information, the National Crime Victimization Survey (NCVS).

Data from the NCVS imply that each year there are only about 68,000 defensive uses of guns in connection with assaults and robberies (Kleck 1988, p. 8), or about 80-82,000 if one adds in uses linked with household burglaries (Cook 1991, p. 56; Rand 1994). These figures are less than a tenth of the estimates implied by the results of at least nine other surveys, summarized in Table 1, most of which have been previously reported (Kleck 1988, p. 3; Kleck 1991, p. 147). The NCVS estimates imply at most about 0.09 of 1% of U.S. households experience a DGU in any one year, compared to the Mauser (1991) survey's estimate of 3.79% of households over a five-year period, or about 0.76% in any one year (assuming an even distribution over the five year period, and no repeat uses).

The strongest evidence one can have that a measurement is inaccurate is that it is inconsistent with many other independent measurements or observations of the same phenomenon; indeed, some would argue that this is ultimately the only way we have of knowing that a measurement is wrong. One therefore might suppose that the gross inconsistency of the NCVS-based estimates with all other known estimates, each derived from sources with no known flaws even remotely substantial enough to account for 8:1 (or more) discrepancies, would be sufficient to persuade any serious scholar that the NCVS estimates are unreliable.

[Table 1 follows:]

Table 1. Frequency of Defensive Gun Use in Nine Previous Surveys

Survey:	Field	Bordue	Cambridge Reports	DM1a	DM1b	Hart	Ohio	Time/ CMN	Hauser
Area:	California	Illinois	U.S.	U.S.	U.S.	U.S.	Ohio	U.S.	U.S.
Year of Interviews:	1976	1977	1978	1978	1978	1981	1982	1989	1990
Population covered:	Noninst. adults	Noninst. adults	Noninst. adults	Registered voters	Registered voters	Registered voters	"Residents"	"Firearm owners"	Residents
Gun Type Covered:	Handguns	All guns	Handguns	All guns	All guns	Handguns	Handguns	All guns	All guns
Recall Period:	Ever/1,2 yrs.	Ever	Ever	Ever	Ever	5 yrs.	Ever	Ever	5 years
Distinguished Uses Against Persons?	No	No	No	No	Yes	Yes	No	No	Yes
Excluded Military, Police Uses?	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes
Defensive question asked of:	All Rs	All Rs	Protection All Rs	All Rs	All Rs	All Rs	Handgun	Gun owners	All Rs
Defensive question refers to:	Respondent	Respondent	Respondent	Household	Household	Household	Respondent	Respondent	Household
‡ Who Used	8.6 ^a	5.0	3	15	12/7 ^b	4 ^c	6.5	n.a.	1.79
‡ Who Fired Gun	2.9	n.a.	2	6	n.a.	n.a.	2.6	9-16 ^d	n.a.
Implied number of def. gun uses ^e	997,668	760,784	n.a.	1,167,884	934,307	898,327	n.a.	n.a.	707,570

Notes:

a. 8.6% ever, 3% in past two years, 1.4% in past year.

b. Defensive uses against persons or animals, 12%. Use against persons only, 7%.

c. Refers to respondent or any member of household.

d. 9% fired gun for self-protection, 7% used gun "to scare someone." An unknown share of the latter could be defensive uses not overlapping with the former.

e. Estimated annual number of defensive uses of guns of all types against humans, excluding uses connected with military or police duties, after any necessary adjustments were made, for U.S., 1990. Adjustments are explained in detail in Kleck (1994).

Sources: Field Institute (1976); Bordue et al. (1979); Cambridge Reports (1978); DMI (1978); Garlin (1986); Ohio (1982); Quinley (1990); Hauser (1993).

Apparently it is not, since the Bureau of Justice Statistics continues to disseminate their DGU estimates as if they were valid (Rand 1994), and scholars continue to cite the NCVS estimates (Cook 1991, p. 56; McDowall et al. 1992) as being at least as reasonable as those from the gun surveys. Similarly, the editors of a report on violence done for the prestigious National Academy of Sciences have uncritically accepted the validity of the NCVS estimate as being at least equal to that of all of the alternative estimates (Reiss and Roth 1993, p. 265-6), in effect giving no more weight to estimates from nine independent sources than to an estimate derived from a single source which is, as explained below, singularly ill-suited to the task of estimating DGU frequency. This sort of bland and spurious "even-handedness" is misleading. Reiss and Roth withheld from their readers the information that there were nine other estimates contradicting the NCVS-based estimate, instead vaguely alluding only to "a number of surveys" (p. 265), (as did Cook 1991, p. 54), and downplayed the estimates from all the other surveys on the basis of flaws which they only speculated those surveys might have.

Even as speculations, these scholars' conjectures were conspicuously one-sided, focussing solely on possible flaws whose correction would bring the estimate down, while ignoring obvious flaws, such as respondents (Rs) forgetting or intentionally concealing DGUs, whose correction would push the estimate up. Further, the speculations, even if true, would be wholly inadequate to account for more than a small share of the enormous (8-1 or more) discrepancy between the NCVS-based estimates and all other estimates. For example, the effects of telescoping could easily be completely canceled out by the effects of memory loss and other recall failure, and even if they were not, they could not account for more than a tiny share of a discrepancy of 8-to-1 or more.

Equally important, those who take the NCVS-based estimates seriously have consistently ignored the most pronounced limitations of the NCVS for estimating DGU frequency. The NCVS is a nonanonymous national survey conducted by a branch of the federal government, the U.S. Bureau of the Census. Interviewers identify themselves to Rs as federal government employees, even displaying, in face-to-face contacts, an identification card with a badge. Rs are told that the interviews are being conducted on behalf of the U.S. Department of Justice, the law enforcement branch of the federal government. As a preliminary to asking questions about crime victimization experiences, interviewers establish the address, telephone number, and full names of all of the occupants (age 12 and over) of each household they contact (U.S. Bureau of the Census 1986). In short, it is made very clear to Rs that they are, in effect, speaking to a law enforcement arm of the federal government, whose employees know exactly who the Rs and their family members are, where they live, and how they can be recontacted.

Reporting the use of a gun for self-protection would be, even under the best of circumstances, an extremely sensitive and legally controversial matter, for either of two reasons. As with other forms of forceful resistance, the defensive act itself, regardless of the characteristics of any weapon used, might constitute an unlawful assault, or at least the R might believe that others, including either legal authorities or the researchers, could regard it that way. Resistance with a gun, however, involves additional elements of sensitivity. Because guns are legally regulated, a victim's possession of the weapon (either in general or at the time of the DGU) might itself be unlawful, either in fact, or in the mind of a crime victim who had used one. More likely, lay persons with a limited knowledge of the extremely complicated law of either self-defense or firearms regulation, are unlikely to know for sure whether their defensive actions or their gun possession was lawful.

It is not hard for gun-using victims interviewed in the NCVS to withhold information about their use of a gun, especially since they are never directly asked whether they used a gun for self-protection. Rather, they are asked general questions about whether they had done anything to protect themselves (U.S. Bureau of Justice Statistics 1994, p. 128). In short, Rs are merely given the opportunity to volunteer the information that they have used a gun defensively. All it takes for an R to conceal a DGU is to simply refrain from mentioning it, i.e. to leave it out of what may be an otherwise accurate and complete account of the crime incident.

Further, Rs in the NCVS are not even asked the general self-protection question unless they had already independently indicated that they had been a victim of a crime. This means that any DGUs associated with crimes the Rs did not want to talk about would remain hidden. It has been estimated that the NCVS may "catch" less than 1/12th of spouse assaults and 1/33rd of rapes (Loftin and MacKenzie 1990), thereby missing nearly all DGUs associated with such crimes.

In the context of a nonanonymous survey conducted by the federal government, to report a DGU would not merely be reporting a controversial or sensitive matter; to Rs, it would often seem to entail placing themselves in serious legal jeopardy. For

example, consider the issue of the location of crimes. For all but the handful of gun owners with a permit to carry a weapon in public places (under 4% of the adult population even in states like Florida where carry permits are relatively easy to get—Blackman 1985, p. 31; Kleck 1991, p. 412), the mere possession of a gun in a place other than their home or place of business (or, in some states, their vehicle) is a crime, often a felony. In at least ten states, it is punishable by a putatively mandatory minimum prison sentence (Ronhovde and Sugars 1982, pp. 204–205). Yet, 88% of the violent crimes which Rs reported to NCVS interviewers in 1992 were committed away from the victim's home (U.S. Bureau of Justice Statistics 1994, p. 75), i.e. in a location where it would ordinarily be a crime for the victim to even possess a gun, never mind use it defensively. Because the question about location is asked before the self-protection questions (pp. 124, 128), this means that the typical violent crime victim R has already committed himself or herself to having been victimized in a public place before being asked precisely what he or she did for self-protection. In short, Rs usually could not mention their defensive use of a gun without, in effect, confessing to a crime to a federal government employee.

Even for crimes which occurred in the victim's home, such as a burglary, possession of a gun would still often be unlawful (or of unknown legal status) because the R had not complied with (or could not be sure she or he had complied with) all legal requirements concerning registration of the gun's acquisition or possession, permits for purchase, licensing of home possession, storage requirements, and so on. In light of all these considerations, it may be unrealistic to assume that more than a fraction of Rs who had in fact used a gun defensively would be willing to report it to NCVS interviewers under these circumstances.

The NCVS was not designed to estimate how often people resist crime using a gun. It was designed primarily to estimate national victimization levels, and incidentally happens to include a few self-protection questions which include response categories covering resistance with a gun. Its survey instrument has been carefully refined and evaluated over the years to do as good a job as possible in getting people to report illegal things which other people have done to them. This is the exact opposite of the task which faces anyone trying to get good DGU estimates, i.e. getting people to admit controversial and possibly illegal things which the Rs themselves have done. Therefore, it is neither surprising, nor a reflection on the survey's designers, to note that the NCVS is singularly ill-suited for estimating the prevalence or incidence of DGU. It is not credible to regard this survey as an acceptable basis for establishing, in even the roughest way, how often Americans use guns for self-protection.

The gun surveys

At least nine previous surveys have given a radically different picture of the frequency of defensive gun use. The surveys, summarized in Table 1, can be labelled the "gun surveys" because they were all, to at least some extent, concerned with the ownership and use of guns. Some were primarily devoted to this subject, while others were general purpose opinion surveys which happened to include some questions pertaining to guns. They are an extremely heterogeneous collection, some of them having been done by academic researchers for scholarly purposes, others by commercial polling firms. Some were sponsored by pro-gun control organizations (Cambridge Reports; Hart), others were sponsored by anti-control organizations (DMIA; DMIB), while still others were paid for by news media organizations, governments, or by research grants awarded to independent academics.

None of the surveys was done primarily to study defensive gun use. Indeed, they each contained only one or two questions on the subject, which in many cases seem to have been tossed in almost as an afterthought. Consequently, none of them is very thorough or satisfactory for estimating DGU frequency, even though they otherwise seem to have been conducted quite professionally. Some of the surveys were flawed by asking questions using a lifetime recall period ("have you ever . . . ?"), making it impossible to estimate uses within any specified time span (see Table 1, row labelled "Time Span of Use"). Some surveys limited coverage to registered voters, while others failed to exclude defensive uses against animals, or occupational uses by police officers, military personnel, or private security guards (see row labelled "Excluded military, police uses"). Some asked the key questions with reference only to the R, while others asked Rs to report on the experiences of all of the members of their households, thereby relying on second-hand reports (see row labelled "Defensive question refers to:"). Methodological research on the NCVS indicates that substantially fewer crime incidents are reported when one household member reports for all household members than when each person is interviewed separately about their own experiences (U.S. Bureau of Justice Statistics 1994, p.

144), and the same should also be true of those crime incidents that involved victims using guns.

The worst of the surveys did not even ask the defensive use question of all Rs, but asked it only of gun owners, or, even more narrowly, just handgun owners or just those who owned handguns for protection purposes (Cambridge Reports 1978; Ohio 1982; Time/CNN [Quinley 1990]). This procedure was apparently based on the dubious assumption that few people used a gun defensively that they no longer owned by the time of the survey, or that belonged to someone else, or that the R owned for a reason other than protection or kept outside the home.

Most important of all, the surveys did not ask enough questions to establish exactly what was done with the guns in reported defensive use incidents. At best, some of the surveys only established whether the gun was fired. The lack of such detail raises the possibility that the guns were not actually "used" in any meaningful way. Instead, Rs might be remembering occasions on which they merely carried a gun for protection "just in case," or investigated a suspicious noise in their backyard, only to find nothing.

Nevertheless, among these imperfect surveys, two were relatively good for present purposes. Both the Hart survey in 1981 and the Mauser survey in 1990 were national surveys which asked carefully worded questions directed at all of the Rs in their samples. Both surveys excluded uses against animals and occupational uses. The two also nicely complemented each other in that the Hart survey asked only about uses of handguns, while the Mauser survey asked about uses of all gun types. The Hart survey results implied a minimum of about 640,000 annual DGUs involving handguns, while the Mauser results implied about 700,000 involving any type of gun (Kleck 1991, pp. 106-107). It should be stressed that, contrary to the claims of Reiss and Roth (1993, p. 266), neither of these estimates entailed the use of "dubious adjustment procedures." The percent of sample households reporting a DGU was simply multiplied times the total number of U.S. households to get the estimate of DGU-involved households. This figure, pertaining to a five-year period, was then divided by five to yield a per-year figure.

Each of the surveys summarized in Table 1 was in effect measuring something different, therefore simple estimates derived from each of them would not be comparable in any straight-forward way. The figures in the bottom row reflect adjustments designed to produce estimates which are roughly comparable across surveys. The adjustments were based on a single standard, the Mauser survey. That is, all survey results were adjusted to be approximately what they would have been had the surveys all been, like the Mauser survey, national surveys of noninstitutionalized U.S. adult residents in 1990, using the same question Mauser used. It was addressed to all Rs, concerned the experiences of all household members, pertained to the use of any type of gun, and excluded uses against animals. The full set of adjustments is explained in detail elsewhere (Kleck 1994).

Six of the surveys permitted the computation of a reasonable adjusted estimate of DGU frequency. The surveys for which such estimates could not be produced were the three which did not ask the DGU question of all Rs; it would be sheer speculation what responses would have been among those Rs not asked the DGU question. All of these surveys yielded results which implied over 700,000 uses per year. None of the surveys implied estimates even remotely like the 65,000-82,000 figures derived from the NCVS. To date, there has been no confirmation, of even the most approximate sort, of the NCVS estimates. Indeed, no survey has ever yielded an estimate which is even of the same order of magnitude as those derived from the NCVS.

On the other hand, the gun surveys do confirm each other, with all of their estimates falling within the 0.7-1.2 million range. All of the gun survey estimates are far closer to each other than to the NCVS estimate, showing a consistency which is remarkable in light of the very heterogeneous nature of the surveys and the many differences among them which could not be negated by adjustments.

Even the best of the gun surveys, however, had serious problems. First, none of them established how many times Rs used a gun defensively within the recall period. It was necessary to conservatively assume that each DGU-involved person or household experienced only one DGU in the period, thereby contributing to an underestimation. Second, although they were the best available surveys in other respects, both the Hart and Mauser surveys asked Rs to report for their entire households, rather than just speaking first-hand for themselves. Third, while these two surveys did utilize a specific recall period, it was a long one, five years, which encouraged a greater amount of both memory loss and telescoping. The longer the recall period, the more memory loss predominates over telescoping as a source of response error (Sudman and Bradburn 1973), supporting the conclusion that a five year recall period probably produces a net underreporting of DGUs. Fourth, while

the surveys all had acceptably large samples by the standards of ordinary national surveys (mostly in the 600–1500 range), they were still smaller than one would prefer for estimating a phenomenon which is, in absolute terms, fairly rare. While sample size has no effect, on average, on the point estimate of DGU frequency, it will affect the amount of sampling error. Finally, none of the surveys established exactly what Rs did with their guns in reported DGUs, making it impossible to be certain that they were actually used in any meaningful way. In sum, while the gun surveys are clearly far superior to the NCVS for estimating DGU frequency, they have significant shortcomings. These are discussed in greater detail elsewhere (Kleck 1994).

It was the goal of the research reported here to remedy those flaws, to develop a credible estimate of DGU frequency, and to learn something about the nature of DGU incidents and the people who defend themselves with guns.

THE NATIONAL SELF-DEFENSE SURVEY

Methods

The present survey is the first survey ever devoted to the subject of armed self-defense. It was carefully designed to correct all of the known correctable or avoidable flaws of previous surveys which critics have identified. We use the most anonymous possible national survey format, that of the anonymous random digit dialed telephone survey. We did not know the identities of those who were interviewed, and made this fact clear to the Rs. We interviewed a large ($n=4,977$ completed interviews), nationally representative sample covering all adults (age 18 and over) in the lower 48 states and living in households with telephones. We asked DGU questions of all Rs in our sample, asking them separately about both their own DGU experiences and those of other members of their households. We used both a five-year recall period and a one-year recall period. We inquired about uses of both handguns and other types of guns, and excluded occupational uses of guns and uses against animals. Finally, we asked a long series of detailed questions designed to establish exactly what Rs did with their guns, that they were confronting other humans, and what crime or crimes each DGU was connected with.

We consulted with North America's most experienced experts on gun-related surveys, David Bordua, James Wright, and Gary Mauser, along with the survey expert Seymour Sudman, in order to craft a state-of-the-art survey instrument designed specifically to establish the frequency and nature of defensive gun uses (see, e.g. Bordua et al. 1979; Lizotte and Bordua 1980; Wright and Rossi 1986; Mauser 1990; 1992; 1993; Sudman and Bradburn 1974). A professional telephone polling firm, Research Network, of Tallahassee, Florida, carried out the sampling and interviewing. Only the firm's most experienced interviewers (listed in the acknowledgements) were used on the project. Interviews were monitored at random by survey supervisors. All interviews in which an alleged DGU was reported by the R were validated by supervisors with call-backs, along with a 20% random sample of all other interviews. Of all eligible residential telephone numbers called where a person (rather than an answering machine) answered, 61% resulted in a completed interview. Interviewing was carried out from February through April of 1993.

The quality of sampling procedures was likewise well above the level common in national surveys. Our sample was not only large and nationally representative, but it was also stratified by state. That is, 48 independent samples of residential telephone numbers were drawn, one from each of the lower 48 states, providing 48 independent, albeit often small, state samples. Given the nature of randomly generated samples of telephone numbers, there was no clustering of cases or multistage sampling, as there is in the NCVS. (U.S. Bureau of Justice Statistics 1994, pp. 141–142), and thus no inflation of sampling error due to clustering or multistage sampling. To gain a larger raw number of sample DGU cases, we oversampled in the South and West regions, where previous surveys have indicated gun ownership is higher (Kleck 1991, p. 57). We also oversampled within contacted households for males, who are both more likely to own guns and to be victims of crimes in which victims might use guns defensively (p. 56). Data were later weighted to adjust for oversampling.

Each interview began with a few general "throat-clearing" questions about problems facing the R's community and crime. The interviewers then asked the following question: "Within the past five years, have you yourself or another member of your household used a gun, even if it was not fired, for self-protection or for the protection of property at home, work, or elsewhere? Please do *not* include military service, police work, or work as a security guard." Rs who answered "Yes" were then asked: "Was this to protect against an animal or a person?" Rs who reported a DGU against a person were then asked: "How many incidents involving defensive uses of guns against persons happened to members of your household in the past 5

years?" and then: "Did this incident [any of these incidents] happen in the past twelve months?" At this point, Rs were asked "Was it you who used a gun defensively, or did someone else in your household do this?"

All Rs reporting a DGU were then asked a long, detailed series of questions establishing exactly what happened in the DGU incident. Rs who reported having experienced more than one DGU in the previous five years were asked about their most recent experience. When the original R was the one who had used a gun defensively, as was usually the case, interviewers obtained their firsthand account of the event. When the original R indicated that some other member of their household was the one who had the experience, interviewers made every effort to speak directly to the involved person, either speaking to them immediately, or obtaining times and dates to call them back. Up to three call-backs were made in attempting to directly contact the DGU-involved person. We anticipated that it would sometimes prove impossible to make later contact with these persons, so interviewers were instructed to always obtain a proxy account of the DGU from the original R, on the assumption that a proxy account would be better than none at all. It was rarely necessary to rely on these proxy accounts—only six sample cases of DGU were reported only through proxies, out of a total of 222 sample cases.

While all Rs reporting to DGU were given the full interview, only a one-third random sample of Rs not reporting a DGU were interviewed. The rest were simply skipped to the end and thanked for their help. This procedure helped keep interviewing costs down. In the end, there were 222 completed interviews with Rs reporting DGUs, another 1,610 Rs not reporting a DGU but going through the full interview (other than the questions pertaining to details of the DGUs), (for a total of 1,832 cases with the full interview, and 3,145 Rs who answered only enough questions to establish that no one in their household had experienced a DGU against a human in the previous five years (unweighted totals). These procedures effectively undersampled for nonDGU Rs or, equivalently, oversampled for DGU-involved Rs. Data were also weighted to account for this oversampling.

Questions about the details of DGU incidents permitted us to establish whether a given DGU met all of the following qualifications for an incident to be treated as a genuine DGU: (1) The incident involved defensive action against a human rather than an animal, but not in connection with police, military, or security guard duties, (2) the incident involved actual contact with a person, rather than merely investigating suspicious circumstances, etc., (3) the defender could state a specific crime which they thought was being committed at the time of the incident, (4) the gun was actually used in some way—at minimum it had to be used as part of a threat against a person, either by verbally referring to the gun (e.g., "get away—I've got a gun") or by pointing it at an adversary. We made no effort to assess either the lawfulness or morality of the Rs' defensive actions.

An additional step was taken to minimize the possibility of DGU frequency being overstated. The senior author went through interview sheets on every one of the interviews in which a DGU was reported, looking for any indication that the incident might not be genuine. A case would be coded as questionable if even just one of four problems appeared to characterize it: (1) It was not clear whether the R actually confronted any adversaries they saw, (2) the R was a police officer, member of the military or a security guard, and thus might have been reporting, despite instructions not to do so, an incident which occurred as part of his or her occupational duties, (3) the interviewer did not properly record exactly what the R had done with the gun, so it was possible that he or she had not used it in any meaningful way, or (4) the R did not state, or the interviewer did not record, a specific crime that the R thought was being committed against him or her at the time of the incident. There were a total of 26 cases where at least one of these problematic indications was present. It should be emphasized that we do not know that these cases were *not* genuine DGUs; we only mean to indicate that we do not have as high a degree of confidence on the matter as with the rest of the cases designated as DGUs. Estimates using all of the DGU cases are labelled herein as A estimates, while the more conservative estimates based only on cases devoid of any problematic indications are labelled B estimates.

Results

Table 2 displays a large number of estimates of how often guns are used defensively. These estimates are not inconsistent with each other; rather, they each measure different things in different ways. Some estimates are based only on incidents which Rs reported as occurring in the twelve months preceding the interview, while others are based on incidents reported for the preceding five years. Both telescoping and recall failure should be lower with a one-year recall period, so estimates derived using it should be superior to those based on the longer recall period. Some esti-

mates are based only on incidents which Rs reported as involving themselves (person-based estimates), while others were based on all incidents which Rs reported as involving anyone in their household (household-based estimates). Because of its greater first-hand character, the person-based estimates should be better. Finally, some of the figures pertain only to DGUs involving use of handguns, while others pertain to DGUs involving any type of gun.

The methods used to compute the Table 2 estimates are very simple and straightforward. Prevalence ("% Used") figures were computed by dividing the weighted sample frequencies (in the top two rows of numbers) by the total weighted sample size of 4,977. The estimated number of persons or households who experienced a defensive gun use (DGU) (in the third and fourth rows) was then computed by multiplying these prevalence figures by the appropriate U.S. population base—population age 18 and over for person-based estimates, and the total number of households for household-based estimates. Finally, the estimated number of defensive uses was computed by multiplying the number of DGU-involved persons or households by the following estimates of the number of all-guns DGU incidents per DGU-involved person or household, using a past-five-years recall period: person-based, A—1.478; person-based, B—1.472; household-based, A—1.531; household-based, B—1.535. We did not establish how many DGUs occurred in the past year, and, for past-five-years DGUs, we did not separately establish how many of the DGUs involved handguns and how many involved other types of guns. Therefore, for all past-year estimates, and for past-five-years handgun estimates, it was necessary to conservatively assume that there was only one DGU per DGU-involved person or household.

Table 2. Prevalence and Incidence of Civilian Defensive Gun Use, U.S., 1988-1993^a

Recall Period:		Past Year				Past Five Years			
Base:		Person		Household		Person		Household	
Gun Types:		All Guns	Handguns	All Guns	Handguns	All Guns	Handguns	All Guns	Handguns
Weighted Sample Cases	A: ^c	66	49	79	55	165	132	194	148
	B: ^c	56	40	68	46	148	115	172	129
% Used ^b	A:	1.326	0.985	1.587	1.105	3.315	2.652	3.898	2.974
	B:	1.125	0.804	1.366	0.924	2.974	2.311	3.456	2.592
Persons/ Households	A:	2549862	1893079	1540405	1072434	6374655	5099724	3782767	2885822
	B:	2163519	1545371	1325918	896945	5717872	4442941	3353794	2515345
Annual Uses	A:	2549862	1893079	1540405	1072434	1884348	1442941	1158283	515345
	B:	2163519	1545371	1325918	896945	1683342	888588	1029615	505069

Population Bases: Estimated resident population, age 18 and over, U.S., April, 1993:

190,538,000; estimated households (assuming the 1992-1993 percentage increase was the same as the 1991-1992 increase): 97,045,525 (U.S. Bureau of the Census 1993, pp. 17, 55).

Notes:

a. Defensive uses of guns against humans by civilians (i.e. excluding uses by police officers, security guards or military personnel). All figures are based on weighted data (see text).
b. Percent of persons (households) with at least one defensive gun use during the five years (one year) preceding the interview.

c. A estimates are based on all reported defensive gun uses reported in the survey. B estimates are based on only cases with no indications that the case might not be a genuine defensive gun use.

The most technically sound estimates presented in Table 2 are those based on the shorter one-year recall period and which rely on Rs' first-hand accounts of their own experiences (person-based estimates). These estimates appear in the first two columns. They indicate that each year in the U.S. there are about 2.2 to 2.5 million defensive uses of guns of all types by civilians against humans, with about 1.5–1.9 million of the incidents involving use of handguns.

These estimates are larger than those derived from the best previous surveys, indicating that technical improvements in the measurement procedures have, contrary to the expectations of Cook (1991), Reiss and Roth (1993), and McDowall and Wierema (1994), increased rather than decreased estimates of the frequency with which DGUs occur. Defensive gun use is thus just another specific example of a commonplace pattern in criminological survey work (victimization surveys, self-report surveys of delinquency, surveys of illicit drug use, etc.): the better the measurement procedures, the higher the estimates of controversial behaviors (e.g. Hindelang, Hirschi and Weis 1981).

The present estimates are higher than earlier ones, due primarily to three significant improvements in the present survey: (1) a shorter recall period, (2) reliance on person-based information rather than just household-based information, and (3) information on how many household DGUs had been experienced in the recall period by those Rs reporting any such experiences. Using a shorter recall period undoubtedly reduced the effects of memory loss, thereby reducing the artificial shrinkage to which earlier estimates were subject. Although telescoping was also undoubtedly reduced, and this would, be itself, tend to reduce estimates, the impact of reducing telescoping was apparently smaller than the impact of reducing case loss due to forgetting. Evidence internal to this survey directly indicates that a one-year recall period yields larger estimates than a five-year recall period (compare figures in the right half of Table 2 with their counterparts in the left half). This phenomenon, where less behavior is reported for a longer recall period than would be expected based on results obtained when using a shorter period, has also been observed in surveys of self-reported use of illicit drugs (Bachman and O'Malley 1981).

Further, basing estimates on what Rs report about DGUs in which they were personally involved also increases the estimates. One of the surprises of this survey was how few Rs were willing to report a DGU which involved some other member of their household. Nearly all (85%) of the reports of DGUs we obtained involved the original R, i.e. the person with whom the interviewer first spoke. Given that most households contain more than one adult who was eligible to be interviewed, it was surprising that, when we contacted a DGU-involved household, the person who answered the phone would consistently turn out to also be the individual who had been involved in the DGU. Our strong suspicion is that many Rs feel that it is not their place to tell total strangers that some other member of their household has used a gun for self-protection. Some of them are willing to tell strangers about an incident in which they were themselves involved, but apparently few are willing to "inform" on others in their household. Still others may not have been aware of DGUs involving other household members. Evidence internal to the present survey supports this speculation, since person-based estimates are 66–77% higher than household-based estimates, suggesting that there was much more complete reporting of DGUs involving the original respondent than of those involving other household members (Table 2). Consequently, those previous surveys which yielded only household-based estimates (four of the six gun surveys yielding usable annual estimates, and all of those which were national in scope) probably substantially underestimated DGUs for the reason as well.

Finally, we had information on the number of times that DGU-involved households had experienced DGUs during the five-year recall period. While it was necessary in computing previous estimates to conservatively assume that each DGU-involved person or household had experienced only one DGU, our evidence indicates that repeat experiences were not uncommon, with 29.5% of DGU-involved households reporting more than one DGU within the previous five years. The average number of DGUs in this time span was 1.5 per DGU-involved household. Therefore, this information alone could account for a roughly 50% increase in DGU incidence estimates based on the five-year recall period.

Finally, our survey was superior to the NCVS in two additional ways: it was free of the taint of being conducted by, and on behalf of, employees of the federal government, and it was completely anonymous.

It would be incorrect to say that the present estimates are inconsistent with those derived from the earlier gun surveys. Avoiding apples-and-oranges comparisons, one should compare figures from Table 2 which can be meaningfully compared with earlier results summarized in Table 1. If one considers the household prevalence figure from the two previous national surveys which used a DGU question most similar

to the one used in the present survey, the Hart and Mauser surveys, they indicate that 3.8% of households reported, in 1990, a DGU involving a gun of any kind in the previous five years (Mauser survey) and that 4% reported, in 1981, a DGU involving a handgun in the previous five years (Hart survey). Examining the past-five-years, household-based "% used" figures in Table 2, we find 3.9% for all guns, 3.0% for handguns. Thus, the present results are, where directly comparable, within sampling error of those of the best two previous surveys. Indeed, the consistency is remarkable, given the substantial differences among the surveys, and the twelve year time difference between the Hart survey and the current one. Further, the only prior survey with person-based estimates and a one year recall period, the 1976 Field poll in California, yielded a 1.4% prevalence figure for handguns (Table 1, note a), compared to 1.0% in the present survey (Table 2, 2nd column).

With a sample size of 4,977, random sampling error of the estimates is small. For example, the all-guns prevalence (% used) A estimates (95% confidence interval) are plus or minus 0.32% for past year, person; 0.35% for past year, household; 0.50% for past five years, person; and 0.54% for past five years, household. Given how small these are already, even increasing samples to the size of the enormous ones in the NCVS could produce only slight further reductions in sampling error.

Are these estimates plausible? Could it really be true that Americans use guns for self-protection as often as 2.1-2.5 million times a year? The estimate may seem remarkable in comparison to expectations based on conventional wisdom, but it is not implausibly large in comparison to various gun-related phenomena. There are probably over 220 million guns in private hands in the U.S. (extrapolation up to 1994 from 1987 data in Kleck 1991, p. 50), implying that only about 1% of them are used for defensive purposes in any one year, hardly an impossibly high fraction. In a December 1993 Gallup survey, 49% of U.S. households reported a gun, and 31% of adults reported personally owning one (Moore and Newport 1994, p. 18). These figures imply about 47.6 million households with a gun, with perhaps 93 million (49% of the adult U.S. population) adults living in households with guns, and about 59.1 million adults personally owning a gun. Again, it hardly seems implausible that three percent (2.5 million/93 million) of the people with immediate access to a gun could have used one defensively in a given year.

Huge numbers of Americans not only have access to guns, but the overwhelming majority of gun owners are, if one can believe their own statements, willing to use a gun defensively. In a December 1989 national survey, 78% of American gun owners stated that they would not only be willing to use a gun defensively in some way, but would be willing to shoot a burglar (Quinley 1990). The percentage willing to use a gun defensively in some way, though not necessarily be shooting someone, would presumably be even higher than this.

Nevertheless, having access to a gun and being willing to use it against criminals is not the same as actually doing so. The latter requires experiencing a crime under circumstances in which the victim can get to, or already possesses, a gun. We do not know how many such opportunities for crime victims to use guns defensively occur each year. It would be useful to know how large a fraction of crimes with direct offender-victim contact result in a DGU. Unfortunately, a large share of the incidents covered by our survey are probably outside the scope of incidents covered by our survey are probably outside the scope of incidents which are realistically likely to be reported to either the NCVS or police. If the DGU incidents reported in the present survey are not entirely a subset within the pool of cases covered by the NCVS, one cannot meaningfully use NCVS data to estimate the share of crime incidents which result in a DGU. Nevertheless, in a ten-state sample of incarcerated felons interviewed in 1982, 34% reported having been "scared off, shot at, wounded or captured by an armed victim" (Wright and Rossi 1986, p. 155). From the criminals' standpoint, this experience was not rare.

How could such a serious thing happen so often without it having become common knowledge? This phenomenon, regardless of how widespread it really is, is largely an invisible one as far as governmental statistics are concerned. Neither the defender/victim nor the criminal ordinarily has much incentive to report this sort of event to the police, and either or both often have strong reasons not to do so. Consequently, many of these incidents never come to the attention of the police, while others may be reported, but with victims leaving out any mention of their own use of a gun. And even when a DGU is reported, it will not necessarily be recorded by the police, who ordinarily do not keep statistics on such matters (other than DGUs resulting in a death), since police record-keeping is largely confined to information helpful in apprehending perpetrators and making a legal case for convicting them. Since such statistics are not kept, we cannot even be certain that a large number of DGUs are not reported to the police.

The health system cannot shed much light on this phenomenon either, since very few of these incidents involve anyone, defender or criminal, being injured (Table 3, Panels A, E). In the rare cases where anyone is hurt, it is usually the criminal, who is unlikely to seek medical attention for any but the most life-threatening gunshot wounds, since this would ordinarily result in a police interrogation. Physicians in many states are required by law to report treatment of gunshot wounds to the police, making it necessary for medically treated criminals to explain to police how they received their wounds.

Finally, it is now clear that virtually none of the victims who use guns defensively tell interviewers about it in the NCVS. Our estimates imply that only about 3% of DGUs among NCVs Rs are reported to interviewers (the 85,000 DGUs estimated from the NCVS, divided by the 2.5 million estimate derived from the presented survey equals .03). Based on other comparisons of alternative survey estimates of violent events with NCVS estimates, this high level of underreporting is eminently plausible. Loftin and Mackenzie (1990, pp. 22-23) reported that rapes might be 33 times as frequent as NCVS estimates indicate, while spousal violence could easily be 12 times as high.

What is the significance of these figures? There is no inherent value to knowing the exact number of defensive uses of guns any more than there is any value to knowing the exact number of crimes which are committed each year. The estimates in Table 2 are at best only rough approximations, which are all probably too low. It is sufficient to conclude from these numbers that defensive gun use is very common, far more common than has been recognized to date by criminologists or policy makers, and certainly far more common than one would think based on any official sources of information.

What does "very common" mean? One natural standard of comparison by which the magnitude of these numbers could be judged is the frequency with which guns are used from criminal purposes. The highest annual estimate of criminal gun use, for the peak year of gun crime, is the NCVS estimate for 1992, when there were an estimated 847,652 violent crime incidents in which, according to the victim, at least one offender possessed a gun (computed from U.S. Bureau of Justice Statistics 1994, pp. 82-83). This NCVS figure is not directly comparable with our DGU estimates because the DGU estimates are restricted only to incidents in which the gun was actually used by the defender, as opposed to incidents in which a victim merely possessed a gun. Many of the "gun crimes" in the NCVS, on the other hand, do not involve the gun actually being used by the criminal. Thus, the NCVS estimate of "gun crimes" overstates the number of crimes in which the offender actually used the gun. The only "gun crimes" reported in NCVS interviews that one can be confident involved offenders actually using guns are those in which they shot at a victim, but these claimed only 16.6% of "handgun crimes" reported in the NCVS in 1987-1992 (Rand 1994).

Another 46.8% of the "handgun crimes" are labelled "weapon present" cases by BJS (Rand 1994) and an unknown fraction of these could involve actual use of gun in a threat, but NCVS data do not permit us to know how large a fraction. For these cases, the relevant NCVS interview items are ambiguous as to whether the gun was used to threaten a victim. Response category 4 of question 14 ("How were you threatened?") of the NCVS Crime Incident Report reads: "Weapon present or threatened with weapon" (U.S. Bureau of Justice Statistics 1994, p. 126). When this category is recorded by the interviewer, it is impossible to determine whether the victim was actually threatened with a gun or merely reported that the offender possessed a gun. In the remaining 36.6% of the "handgun crimes" (100%, minus the 16.6% where the victim was shot at, minus the 46.8% where the victim reported a "weapon present or threatened with a weapon"=36.6%), there is no indication at all that the gun allegedly possessed by the offender was actually used.

Further, even the mere presence of the weapon is debatable, since victims are not asked why they thought the offender possessed a gun and are not even asked if they saw a gun. This raises the possibility that some victims were merely assuming that the offender had a gun, or were inferring it from a bulge in the offender's clothing which might actually have been a wallet or some other object, or were accepting the word of an offender who was bluffing about having a gun.

Thus, somewhere between 16.6% and 63.4% (16.6% plus the 46.8% in the ambiguous "weapon present" category) of NCVS-defined "handgun crime" victimizations involve the gun actually being used in an attack or threat. Applying these figures to the estimates of 847,652 "gun crime" incidents and 689,652 "handgun crime" incidents, we can be confident that in 1992 there were at least 140,710 nonfatal crime incidents in which offenders used guns, 114,482 with handguns, or about 157,000 total gun crime incidents, 129,000 with handguns, when one includes gun homicides (U.S. Federal Bureau of Investigation 1993, pp. 118, 58). Or, generously assuming

that all of the ambiguous "weapon present" cases involved guns being used to threaten the victim, maximum estimates of 554,000 total (fatal and nonfatal) gun crime incidents and 451,000 handgun crime incidents are obtained.

All of these estimates are well short of even the most conservative estimates of DGU in Table 2. The best estimates of defensive gun uses (first two columns), even if compared to the more generous estimates of gun crimes, are 4.6 times higher than the crime counts for all guns, and 4.2 times higher for handguns (or 3.9 and 3.4, respectively, if the more conservative B estimates of DGU are used). In sum, defensive uses, of guns are about three to five times as common as criminal uses, even using generous empirical estimates of gun crimes.

There is good reason to believe that survey estimates of both criminal and defensive gun uses, including the DGU estimates presented here, are too low. Cook (1985) has shown that NCVS estimates of gunshot woundings are far too low. Our estimates of DGUs are probably also too low, partly because, unlike the NCVS, our survey did not cover adolescents, the age group most frequently victimized in violence. Furthermore, our use of telephone surveying excludes the 5% of the nation's households without telephones, households which are disproportionately poor and/or rural. Low income persons are more likely to be crime victims (U.S. Bureau of Justice Statistics 1994, p. 33), while rural persons are more likely to own guns (Kleck 1991, p. 57). Both groups therefore may have opportunities to use guns for self-protection, and excluding them from the sample could contribute to an underestimate of DGU.

Both parameters are subject to underestimation due to intentional respondent underreporting. We also believe, however, that typical survey Rs are more reluctant to tell interviewers about questionable acts that they themselves have committed, such as threatening another person with a gun for purportedly defensive reasons, than they are to report criminal acts that other people have committed against them. Assuming this is correct, it would imply that DGUs, even in the best surveys, are underreported more than gun crime victimizations, and that correcting for underreporting would only increase the degree to which DGUs outnumber gun crimes.

The only known significant source of overestimation of DGUs in this survey is "telescoping," the tendency of Rs to report incidents which actually happened earlier than the recall period, such as reporting a six year old incident as having happened in the past five years. We strongly suspect that telescoping effects are more than counterbalanced by Rs who actually experienced DGUs failing to report them. Nevertheless, it is worth discussing how much effect telescoping could have on our estimates. In evaluating the ability of crime victims to recall crime events in victim surveys, the U.S. Census Bureau selected a sample of crimes which had been reported to police, and then interviewed the victims of these known crime events. Using a 12 month recall period (the same as we used in the present survey), they surveyed victims who had been involved in crimes which had actually occurred 13 or 14 months before the interview, i.e. one or two months before the recall period. Of these ineligible crimes, 21% were telescoped forward, i.e. wrongly reported as having occurred in the 12-month recall period (Dodge 1981, p. 14).

Since the months just before the start of the recall period would show the highest rates of telescoping, this means the rate should be even smaller for crimes which occurred even earlier. Nevertheless, even if we assumed that the 21% rate applied to events that occurred as much as one year earlier (i.e. 13-24 months before the interview), it would still mean that telescoping could inflate the DGU estimates for a one-year recall period by only 21%. Adjusting the 2.5 million DGU estimate downward for telescoping effects of this magnitude would reduce it to about 2.1 million ($2.5 \text{ million} / 1.21 = 2.1 \text{ million}$), an adjustment which would have no effect on any of our conclusions. Telescoping would inflate estimates based on the five-year recall period even less, since the ratio of memory loss errors over telescoping errors increases as the recall period lengthens (Woltman, Bushery, and Carstensen 1984, p. 91; Sudman and Bradburn 1973). Nevertheless, it should be stressed that this is just a numerical demonstration. We have no reason to believe that these modest telescoping effects outweigh the effects of Rs failing to report DGUs, and thus no reason to believe that our estimates are even slightly too high.

The nature of defensive gun use

A total of 222 sample cases of defensive gun use against humans were obtained. For nine of these, the R broke off discussion of the incident before any significant amount of detail could be obtained, beyond the fact that the use was against a human. This left 213 cases with fairly complete information. Although this dataset constitutes the most detailed body of information available on defensive gun use, the sample size is nevertheless fairly modest. While estimates of DGU frequency are re-

liable because they were based on a very large sample of 4,977 cases, results pertaining to the details of DGU incidents are based on 213 or fewer sample cases, and readers should treat these results with appropriate caution.

Table 3.—The Nature of Defense Gun Use Incidents¹

	(Percent)
A. What the Defender Did with the Gun: ²	
Brandished or showed gun	75.7
Verbally referred to gun	57.6
Pointed gun at offender	49.8
Fired gun (including warning shots)	23.9
Fired gun at offender, trying to shoot him/her	15.6
Wounded or killed offender	8.3
B. Location of Incident:	
In defender's home	37.3
Near defender's home	35.9
At, in, near home of friend, relative, neighbor	4.2
Commercial place (bar, gas station, office, factory)	7.5
Parking lot, commercial garage	4.5
School (in building, on school property, playground)	0.3
Open area, on street or public transportation	7.4
Other locations	2.3
C. Type of Crime Defender Thought Was Being Committed: ²	
Burglary	33.8
Robbery	20.5
Other theft	6.2
Trespassing	³ 14.8
Rape, sexual assault	8.2
Other assault	30.4
Other crime	9.5
D. Did Offender Get Away with Money or Property?	
Percent of property crimes with property loss:	11.0
E. Violence Directed at Defender:	
No threat or attack	46.8
Threatened only	32.3
Attacked but not injured	15.3
Attacked and injured	5.5
(In incidents where defender was threatened or attacked): Who was first to threaten or use force?	
Defender	15.3
Offender	83.5
Someone else	1.3
F. Offender's Weapons: ²	
None (unarmed)	51.9
Weapon	48.1
Handgun	13.4
Other gun	4.5
Knife	17.8
Other sharp object	2.0
Blunt object	9.9
Other weapon	5.9
G. Shooting:	
Did offender shoot at defender?	
Percent of all incidents	4.5
Percent of incidents with offender armed with gun	26.2
Did both parties shoot?	
Percent of all incidents	3.1
H. Type of Gun Used by Defender:	
Revolver	38.5
Semi-automatic pistol	40.1
Other, unspecified handgun	1.1
Rifle	6.4
Shotgun	13.9
I. Relationship of Offender to Defender:	
Stranger	73.4
Casual acquaintance	8.3
Neighbor	1.3

Table 3.—The Nature of Defense Gun Use Incidents ¹—Continued

	(Percent)
Boyfriend, girlfriend	1.0
Other friend, coworker	1.0
Brother, sister	0.0
Son, daughter	0.5
Husband, wife	3.1
Other relationship	4.2
Unknown	7.3
J. Number of Offenders:	
1	47.2
2	26.1
3-4	17.6
5-6	4.0
7 or more (includes 3 cases where defender could only say there was a very large number)	5.0
K. Defender's Perceived Likelihood that Someone Would Have Died Had Gun Not Been Used for Protection:	
Almost certainly not	20.8
Probably not	19.3
Might Have	16.2
Probably would have	14.2
Almost certainly would have	15.7
Could not say	13.7
L. Were Police Informed of Incident or Otherwise Find Out?	64.2

¹ Table covers only defensive uses against persons, and excludes 9 cases where respondents refused to provide enough detail to confirm incidents as genuine defensive uses.

² Percentages will sum to more than 100% because respondents could legitimately select or report more than one category.

³ Only 3.7% of incidents involved trespassing as only crime.

Quite apart from the sample size, we believe that the results from this survey are also affected by sample censoring. Beyond the incidents our interviewers were told about, there were almost certainly other DGUs which did occur in the recall period but which Rs did not mention to interviewers. In debriefings by the authors, almost all of our interviewers reported that they had experienced something like the following: they asked the key DGU question, which was followed by a long silence on the other end of the line, and/or the R asking something like "Who wants to know?" or "Why do you want to know?" or some similarly suspicious remark, followed by a "No" answer. In contrast, only one interviewer, in a single interview, spoke with a person they thought was inventing a nonexistent incident. While one obvious implication is that the true frequency of DGU is probably even higher than our estimates indicate, another implication is that the incidents which were reported might differ from those that were not.

We believe that there are two rather different kinds of incidents that are especially likely to go unreported: (1) cases that Rs do not want to tell strangers on the phone about, because the Rs deem them legally or morally dubious (or think the interviewer will regard them that way), and (2) relatively minor cases that Rs honestly forget about or did not think were serious enough to qualify as relevant to our inquiries. Thus, in addition to the mostly legitimate and serious cases covered in our sample, there are still other, less legitimate or less serious, DGU incidents which this or any other survey are likely to miss. This supposition would imply two kinds of bias in our descriptive results: (1) our DGUs would look more consistently "legitimate" than the entire set of all DGUs actually are, and (2) the DGUs would look more serious, on average, than the entire set of DGUs really are. These possibilities should be kept in mind when considering the following descriptive information.

Table 3 summarizes what our sample DGU incidents were like. The data support a number of broad generalizations. First, much like the typical gun crime, many of these cases were relatively undramatic and minor compared to fictional portrayals of gun use. Only 24% of the gun defenders in the present study reported firing the gun, reporting wounding an adversary in just 8% of the incidents (Panel A). This parallels the fact that only 17% of the gun crimes reported in the NCVS involve the offender shooting at the victim, and only 3% involve the victim suffering a gunshot wound (Rand 1994).

Low as it is, even an 8% wounding rate is probably too high, both because of the censoring of less serious cases (which in this context would be cases without a wounding) and because we did not establish how Rs know they had wounded some-

one. We suspect that in incidents where the offender left without being captured, some Rs "remembered with favor" their marksmanship and assumed they had hit their adversaries. If 8.3% really had hit their adversaries, and a total of 15.6% had fired at their adversaries, this would imply a 53% (8.3/15.6) "incident hit rate," a level of combat marksmanship far exceeding that typically observed even among police officers. In a review of 15 reports, police officers inflicted at least one gunshot wound on at least one adversary in 37% of the incidents in which they intentionally fired at someone (Geller and Scott 1993, pp. 100-106). A 53% hit rate would also be triple the 18% hit rate of criminals shooting at crime victims (Rand 1994). Therefore, we believe that even the rather modest 8.3% wounding rate we found is probably too high, and that typical DGUs are less serious or dramatic in their consequences than our data suggest. In any case, the 8.3% figure was produced by just 17 sample cases in which Rs reported that they wounded an offender.

About 37% of these incidents occurred in the defender's home, with another 36% near the defender's home (Panel B). This implies that the remaining 27% occurred in locations where the defender must have carried a gun through public spaces. Adding in the 36% which occurred near the defender's home and which may or may not have entailed public carrying, 36-63% of the DGUs entailed gun carrying.

Guns were most commonly used for defense against burglary, assault, and robbery (Panel C). Cases of "mutual combat," where it would be hard to tell who is the aggressor, or where both parties are aggressors, would be some subset of the 30% of cases where assault was the crime involved. However, only 19% of all DGU cases involved only assault and no other crime where victim and offender are more easily distinguished. Further, only 11% of All DGU cases involved only assault and a male defender (we had no information on gender of offenders); some subset of these could have been male-on-male fights. Thus, very few of these cases fit the classic mutual combat model of a fight between two males. This is not to say that such crimes where a gun-using combatant might claim that his use was defensive are rare, but rather that few of them are in this sample. Instead, cases where it is hard to say who is victim and who is aggressor apparently constitute an additional set of questionable DGUs lying largely outside of the universe of more one-sided events that our survey methods could effectively reach.

It was not our intention to compare the effectiveness of armed resistance with other forms of victim self-protection, since this sort of work has already been done (and reviewed earlier in the paper). Panels D and E nevertheless confirm previous research on the effectiveness of self-defense with a gun—crime victims who use this form of self-protection rarely lose property and rarely provoke the offender into hurting them. In incidents where a property crime (burglary, robbery or other theft) was attempted, victims lost property in just 11% of the cases. Gun defenders were injured in just 5.5% of all DGU incidents. Further, in 84% of the incidents where the defender was threatened of attacked, it was the offender who was the first to threaten or use force. In none of the 11 sample cases where gun defenders were injured was the defender the first to use or threaten force. Instead, the victim used a gun to threaten or attack the offender only after the offender had already attacked or threatened them, and thus usually after the offender had inflicted the injury. There is no support in this sample for the hypothesis that armed resistance provokes criminals into attacking victims, confirming the findings of prior research (Kleck 1988, pp. 7-9; Kleck and DeLone 1993, pp. 75-77).

While only 14% of all violent crime victims face offenders armed with guns (U.S. Bureau of Justice Statistics 1994, p. 83), 18% of the gun-using victims in our sample faced adversaries with guns (Panel F). Thus, although the gun defenders usually faced unarmed offenders or offenders with lesser weapons, they were more likely than other victims to face gun-armed criminals. This is consistent with a view that more desperate circumstances call forth more desperate defensive measures. The findings undercut the view that victims are prone to use guns in "easy" circumstances which were likely to produce favorable outcomes for the victim regardless of their gun use (for a related speculation, see Reiss and Roth 1993, p. 266). Instead, gun defenders appear to face more difficult circumstances than other crime victims, not easier ones.

Nevertheless, one reason crime victims are willing to take the risks of forcefully resisting the offender is that most offenders faced by victims choosing such an action are unarmed, or armed only with less lethal weapons. Relatively few victims try to use a gun against adversaries who are themselves armed with guns—offenders were armed with some kind of weapon in 48% of DGU incidents, but had guns in only 18% of them (Panel F).

The distribution of guns by type in DGUs is similar to that of guns used by criminals. NCVS and police-based data indicate that about 80% of guns used in crime are handguns (U.S. Bureau of Justice Statistics 1994, p. 83; U.S. Federal Bureau

of Investigation 1993, p. 18), and the present study indicates that 80% of the guns used by victims are handguns (Panel H).

Incidents where victims use a gun defensively are almost never gunfights where both parties shoot at one another. Only 24% of the incidents involved the defender firing their gun, and only 16% involved the defender shooting at their adversary (Panel A). Likewise, the offender shot at the defender in only 4.5% of the cases (Panel G). Consequently, it is not surprising that only 3% of all of the incidents involved both parties shooting at each other.

Among our sample cases, the offenders were strangers to the defender in nearly three quarters of the incidents (Panel I). We suspect that this again reflects the effects of sample censoring. Just as the NCVS appears to detect less than a tenth of domestic violence incidents (Loftin and MacKenzie 1990, pp. 22–23), our survey is probably missing many cases of DGU against family members and other intimates.

While victims face multiple offenders in only about 24% of all violent crimes (U.S. Bureau of Justice Statistics 1994, p. 82), the victims in our sample who used guns faced multiple offenders in 53% of the incidents (Panel J). This mirrors the observation that criminals who use guns are also more likely than unarmed criminals to face multiple victims (Cook 1991). Having a gun allows either criminals or victims to handle a larger number of adversaries. Many victims facing multiple offenders probably would not resist at all if they were without a gun or some other weapon. Another possible interpretation is that some victims will resort to a defensive measure as serious as wielding a gun only if they face the most desperate circumstances. Again, this finding contradicts a view that gun defenders face easier circumstances than other crime victims.

Another way of assessing how serious these incidents appeared to the victims is to ask them how potentially fatal the encounter was. We asked Rs: "If you had not used a gun for protection in this incident, how likely do you think it is that you or someone else would have been killed? Would you say almost certainly not, probably not, might have, probably would have, or almost certainly would have been killed?" Panel K indicates that 15.7% of the Rs stated that they or someone else "almost certainly would have" been killed, with another 14.2% responding "probably would have" and 16.2% responding "might have." Thus, nearly half claimed that they perceived some significant chance of someone being killed in the incident, had they not used a gun defensively.

It should be emphasized that these are just stated perceptions of participants, not objective assessments of actual probabilities. Some defenders might have been bolstering the justification for their actions by exaggerating the seriousness of the threat they faced. Our cautions about sample censoring should also be kept in mind—more minor, less life-threatening events are likely to have been left out of this sample, either because Rs forgot them or because they did not think them important enough to qualify as relevant to our inquiries.

If we consider only the 15.7% who believed someone almost certainly would have been killed had they not used a gun, applying this figure to estimates in the first two columns of Table 2 yields national annual estimates of 340,000–400,000 defensive uses of guns of any kind, and 240,000–300,000 uses of handguns, where defenders would state, if asked, that they believed they almost certainly had saved a life by using the gun. How many of these truly were life-saving gun uses is impossible to know. As a point of comparison, the largest number of deaths involving guns, including homicides, suicides and accidental deaths, in any one year in U.S. history was 38,323 in 1991 (National Safety Council 1994, p. 11, assuming that 95% of "legal intervention" deaths involved guns).

Finally, we asked if Rs had reported these incidents to the police, or if the police otherwise found out about them; 64% of the gun-using victims claimed that the incidents had become known to the police. This figure should be interpreted with caution, since victims presumably want to present their use of guns as legitimate, and being willing to report the incident to the police would help support an impression of legitimacy. Rs who had in fact not reported the incident to the police might have wondered whether a "No" reply might not lead to discomfiting follow-up questions like "why not?" (as indeed it does in the NCVS). Further, it is likely that some Rs reported these incidents but did not mention their use of a gun.

Who is involved in defensive gun use?

Finally, we consider what sorts of people use guns defensively, and how they might differ from other people. Table 4 presents comparisons of five groups: (1) "defenders," i.e. persons who reported using a gun for defense, (2) those who personally own guns but did not report a DGU, (3) those who do not personally own a gun, (4) all those who did not report a DGU, regardless of whether they own guns, and (5) all persons who completed the full interview.

TABLE 4.—COMPARISON OF DEFENDERS WITH OTHER PEOPLE
[Weighted percentages]

	Sample ¹				
	Defenders	No-DGU Gunowners	Nonowners	No DGU	All persons
Personally owns gun	59.5	100.0	0.0	22.9	24.4
Gun in household	73.5	100.0	15.5	34.9	36.4
Carries gun for protection	47.3	23.3	2.5	7.3	8.8
Burglary victim, past year	19.3	4.5	5.0	4.9	5.5
Robbery victim, past year	12.9	1.9	2.2	2.1	2.5
Assault victim as adult	46.8	29.3	19.1	21.5	22.5
Nights away from home, monthly average:					
0	8.2	5.2	9.1	8.2	8.2
1-6	27.6	24.1	33.6	31.5	31.3
7-13	22.6	28.3	22.6	23.7	23.9
14+	41.6	42.4	34.7	36.6	36.6
Must depend on self rather than cops	80.4	70.2	50.8	55.2	56.2
Supports death penalty	72.4	85.2	66.1	70.5	70.6
Courts not harsh enough	75.2	78.9	72.5	74.0	74.0
Gender (percent male)	53.7	75.4	37.7	46.4	46.7
Age:					
18-24	31.4	12.2	16.5	15.4	16.1
25-34	35.5	22.8	22.8	22.1	22.8
35-44	18.5	25.2	24.3	24.5	24.1
45-64	12.6	30.0	25.8	26.7	26.4
65+	2.0	9.8	10.6	11.3	10.6
Race:					
White	72.4	90.3	82.9	84.6	84.1
Black	16.8	5.1	9.6	8.6	8.9
Hispanic	8.0	3.2	5.1	4.6	4.8
Other	2.8	1.3	2.5	2.2	2.1
Place of residence:					
Large city (over 500,000)	32.5	14.7	24.4	22.2	22.6
Small city	29.8	32.2	28.5	29.3	29.3
Suburb of large city	25.5	28.1	32.2	31.3	31.1
Rural area	12.2	24.9	14.9	17.2	17.0
Marital status:					
Married	50.8	69.1	57.9	60.5	60.1
Widowed	0.6	2.2	7.5	6.3	6.0
Divorced/separated	15.3	10.9	11.0	11.8	12.0
Never married	33.3	17.8	23.6	21.4	21.9
Annual household income:					
Under \$15,000	12.3	7.4	15.5	13.6	13.5
\$15,000-29,999	30.1	23.2	28.3	27.1	27.2
\$30,000-44,999	22.2	30.3	22.6	24.5	24.4
\$45,000-59,999	18.6	17.8	19.6	19.2	19.2
\$60,000-79,999	7.9	12.1	7.9	8.9	8.9
\$80,000 or more	8.8	9.2	6.0	6.8	6.9
Gun-related occupation	2.4	4.9	2.7	3.2	3.1

¹ "Defenders" are persons who reported a defensive gun use against another person in the preceding five years, excluding uses in connection with military, police, or security guard duties. This sample includes nine cases where such a use was reported, but the respondent did not provide further details.

"No-DGU gun owners" are persons who report personally owning a gun but did not report a defensive gun use.

"Nonowners" are persons who did not report personally owning a gun and who did not report a defensive gun use. These persons may, however, live in a household where others own a gun.

"No DGU" are persons who did not report a defensive gun use, regardless of whether they reported owning a gun.

Some of the earlier gun surveys asked the DGU question only of Rs who reported owning a gun. The cost of this limitation is evident from the first two rows of Table 4. Nearly 40% of the people reporting to DGU did not personally own a gun at the time of the interview. They either used someone else's gun or had gotten rid of a gun since the DGU incident. About a quarter of the defenders reported that they did not even have a gun in their household at the time of the interview, irrespective of who it belonged to. Another possibility is that many gun owners were falsely denying their ownership of the "incriminating evidence" of their defensive gun use.

Many of the findings in Table 4 are unsurprising. Gun defenders are more likely to carry a gun for self-protection, consistent with the large share of DGUs which

occurred away from the defender's home. They were also obviously more likely to have been a victim of a burglary or robbery in the past year, a finding which is a tautology for those Rs whose DGU was in connection with a robbery or burglary committed against them in the preceding year. They were also more likely to have been a victim of an assault since becoming an adult.

Spending time away from home at night places people at greater risk of victimization, but defenders spend no more of their time like this than other gun owners, and these two groups spend only slightly more time like this than those who do not own guns.

Defenders are more likely to believe that a person must "be prepared to defend their homes against crime and violence" rather than letting "the police take care of that," compared to either gun owners without a DGU or nonowners. Whether this is cause or consequence of defenders' defensive actions is impossible to say with these data.

It might be suspected that supposedly defensive uses of guns were actually the aggressive acts of vengeful vigilantes intent on punishing criminals. If this were true of gun defenders as a group, one might expect them to be more supportive of punitive measures like the death penalty. In fact, those who reported a DGU were no more likely to support the death penalty than those without such an experience, and were somewhat *less* likely to do so compared with gun owners as a group. Similarly, gun defenders were no more likely than other people to endorse the view that the courts in their area do not deal harshly enough with criminals.

Perhaps the most surprising finding of the survey was the large share of reported DGUs which involved women. Both because of their lower victimization rates and lower gun ownership rates, one would expect women to account for far less than half of DGUs. Nevertheless, 46% of our sample DGUs involved women. We are skeptical about this finding and suspect that it could be due to males reporting a lower fraction of their DGUs than women. If a larger share of men's allegedly defensive uses of guns were actual partly aggressive actions, this would imply that a larger share would be at the "illegitimate" end of the scale and thus less likely to be reported to interviewers. Further, women may be more likely than men to report their DGUs because they are less afraid of prosecution. Consequently, although we have no reason to doubt that women use guns defensively as often as this survey indicates, we also strongly suspect that males account for a larger number, and larger share, of DGUs than these data indicate.

A disproportionately large share of defenders are black or Hispanic, compared to the general population, and especially in comparison to gun owners. Likewise, defenders are disproportionately likely to reside in big cities compared to other people, and especially so when compared to gun owners, who are disproportionately from rural areas and small towns. Finally, defenders are disproportionately likely to be single. These patterns are all presumably due to the higher rates of crime victimization among minorities, big city dwellers, and single persons. (U.S. Bureau of Justice Statistics 1994, pp. 25-26, 31, 38-39). On the other hand, defenders are not especially likely to be poor. The effect of higher victimization among poor people may be canceled out by the lower gun ownership levels among the poor (Kleck 1991, p. 56).

It might be suspected that, despite instructions to not report such events, some of the Rs reporting a DGU might have been describing an event which occurred as part of their occupational activities as a police officer, member of the military, or security guard. This could not have been true for more than a handful of our DGU cases, since only 2.4% of them (5 sample cases) involved a person who had this type of occupation. Even these few cases may have occurred off-duty and thus would not necessarily be occupation DGUs. Gun defenders were in fact somewhat *less* likely to have a gun-related occupation than other gun owners.

DISCUSSION AND CONCLUSIONS

If one were committed to rejecting the seemingly overwhelming survey evidence on the frequency of defensive gun use, one could speculate, albeit without any empirical foundation whatsoever, that nearly all of the people reporting such experiences are simply making them up. We feel this is implausible. It was easy to lie with a "No" response to our DGU question, when the R actually had experienced a DGU, because a "No" response was not followed up by any further questions. On the other hand, lying with a false "Yes" answer required a good deal more imagination and energy. Since we asked as many as 19 questions on the topic, this would entail spontaneously inventing as many as 19 plausible and internally consistent bits of false information, persistently lying in a sustained way, and doing so in a way which gave no hint to experienced interviewers that they were being deceived.

Suppose someone persisted in believing in the anomalous NCVS estimates of DGU frequency, and wanted to use the "dishonest respondent" hypothesis to account for estimates from the present survey that are as much as 30 times higher. In order to do this, one would have to suppose that 29 out of every 30 people reporting a DGU in the present survey was lying. There is no precedent in criminological survey research for such an enormous level of intentional and sustained falsification.

The banal and undramatic nature of the reported incidents also undercuts the "dishonest respondent" speculation. While the incidents all involved a crime, and usually a fairly serious one, being committed against the victims, only 8% of the alleged gun defenders claimed to have shot their adversaries, and only 24% claim to have even fired their gun. If large numbers of Rs were inventing their accounts, one would think they would have created more exciting scenarios.

By this time there seems little legitimate scholarly reason to doubt that defensive gun use is very common in the U.S., and that it probably is substantially more common than criminal use of guns. Given that there are far more gun-owning crime victims than there are gun-owning criminals, and that victimization is spread out over many different victims, while offending is more concentrated among a relatively small number of offenders, this should not come as a surprise.

Likewise, there is little legitimate reason to continue accepting the NCVS estimates of DGU frequency as even approximately valid. Given the gross inconsistencies between the NCVS and all other sources of information, it is reasonable to suppose that all but a handful of NCVS victims who had in fact used a gun for protection in the incidents that they reported refrain from mentioning this gun use. One implication of this, in light of evidence on the injury-preventing effectiveness of victim gun use, is that in some cases where the absence of victim injury is credited to either nonresistance or some unarmed form of resistance, it may actually have been due to resistance with a gun, which the victim failed to mention to the interviewer.

The policy implications of these results are straightforward. These findings do not imply anything about whether moderate regulatory measures such as background checks or purchase permits would be desirable. Regulatory measures which do not disarm large shares of the general population would not significantly reduce beneficial defensive uses of firearms by noncriminals. On the other hand, prohibitionist measures, whether aimed at all guns, or just at handguns, would discourage and presumably decrease the frequency of defensive gun use among noncriminal crime victims. The same would be true of laws which ban gun carrying. To the extent that such measures effectively reduced gun availability among the noncriminal majority, they would reduce defensive uses of guns which otherwise would have saved lives, prevented injuries, thwarted rape attempts from being completed, driven off burglars, and helped victims retain their property.

Given that perhaps 400,000 people a year use guns in situations where the defenders would claim that they "almost certainly" saved a life by doing so, this cannot be dismissed as trivial. If even just a tenth of these people are accurate in their stated perceptions, the number of lives saved by victim use of guns would still exceed the total number of lives taken with guns. We will never know how many lives are actually saved this way, for the simple reason that no one can be certain how crime incidents would have turned out had the participants acted differently than they actually did. But surely this is too serious a matter to simply assume that practically every who says they believe that they saved a life in this manner was wrong.

This is also too serious a matter to base conclusions on silly statistics comparing the number of lives taken with guns with the number of criminals killed by victims (e.g. Kellermann and Reay 1986). Killing a criminal is not a benefit to the victims, but rather a nightmare to be suffered through for years afterward. Saving a life through defensive gun use would be a benefit, but this almost never involves killing the criminal—probably fewer than 3,000 criminals are lawfully killed by gun-wielding victims each year (Kleck 1991, pp. 111–117), only about 1/1000 of the number of DGUs, and less than 1% of the number of purportedly life-saving DGUs. Therefore, the number of justifiable homicides cannot serve as even a rough index of life-saving gun uses. Since this comparison does not involve any measured benefit at all, it obviously can shed no light on what the relative weight of the benefits and costs of keeping guns in the home for protection might be (see Kleck 1991, pp. 127–129 for a more detailed critique of these "junk science" statistics; see Reiss and Roth 1993, p. 267 for an example of a prestigious source taking such numbers seriously).

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Mr. BORDUA. The major attack on Kleck's work came from people who cited the fact that the National Crime Survey, what is now called the National Crime Victimization Survey, only showed around 80,000 such events, defensive gun uses. Well, even sociologists can understand that there is a problem when one body of research shows 2½ million and the other body of research shows 80,000. And I will come back to that in a moment, if I may.

But my own calculations, using National Crime Survey data on the defensive use of firearms over the period 1979 to 1985 in robbery attempts, gives a picture something like the following. If we compare the two extremes, the people who defended themselves with a gun on the one hand and people who did not defend themselves at all on the other, and look at three different things that might happen during a robbery attempt: The percent of times the

robbery was completed, gun defense 30 percent, no defense 89 percent; the percent of times the victim was attacked, gun defense 25 percent, no defense 42 percent; the percent of times the person was injured, gun defense 17 percent, no defense 25 percent.

This kind of work, drawing out especially from other parts of Kleck's research, opened up another whole area which I will not go into very much, and that is a sequencing of events in these kinds of criminal attempts. The notion that if you do not resist, you will not get hurt, has been basically put to rest on a statistical basis by Kleck's work. A very large proportion of all the injuries precede resistance rather than follow resistance.

If we make the jump, and it is mainly but not entirely legitimate, if the no defense people had resisted with a gun, over that period of time there would have been about 200,000 fewer injuries, about a half million fewer attacks, and about a million and a half fewer completed robberies.

Now, why is this not entirely legitimate?

Well, there may be things about the nonresisters and the gun resisters other than the fact that one of them used a gun and the other didn't. But nevertheless, using the NCVS, a major source of criticism supposedly of Kleck's work, we come up with numbers like this. There is evidence here from both sources that gun resistance can produce very large differences in injury, crime completion, and so on.

To go on to the other crime which has been extensively studied not only by Kleck but by several others, the crime of rape. We now have again from the NCVS, the National Crime Victimization Survey, we now have compelling evidence that resistance, armed resistance, there aren't enough cases of reported attempted rape to distinguish guns from other weapons. Armed resistance to rape reduces the probability of completion of the rape and does not increase the probability of other injury. The notion that the rapist is really a sort of calculating fellow and if you don't resist he won't hurt you, which has always had a certain—I think men seem to have preferred that interpretation somewhat more than women historically. This simply does not flow. This is not supported from the data.

Injury in rape attempts typically follows resistance—I am sorry, precedes resistance, rather than following it. OK. Kleck asked in his 1993 survey a fascinating question. What percent of respondents felt that their life or someone else's life was saved by their resistance? And this opens up of course a fascinating area of inquiry. He called it the perceived likelihood that someone would have died. And as we do in survey research, people get a sort of scale or set of responses. And they can answer to one. Probably would have saved—probably someone would have died had I not resisted, 14.2 percent. Almost certainly would have, 15.7 percent. Kleck multiplies the 15.7 by the number of defensive gun uses and comes out with a round figure of about 400,000 times where these survey respondents report a defensive gun use in which they felt almost certainly someone would have died had they not resisted.

He then goes on to say, Well, supposing only 10 percent of them are right, supposing 90 percent of them are wrong. Now no one really knows. We could say they are all wrong, we could say they

are all right, highly unlikely, but 90 percent seems a reasonable figure.

Thus, if only 10 percent of the 400,000 are correct, it would outweigh all of the 1991 gun deaths, which is what he had then to compare with, approximately 37,000. OK.

To go back a little bit to the critique of Kleck's work that was based on the supposed findings of the National Crime Victimization Survey, some critics argued that the NCVS was superior because it was government sponsored. Kleck said that is why it was inferior.

A federally empowered interviewer with a little identification card with a badge on it comes to your house and starts asking questions about your victimization. It is not a national criminal defense survey, it is the National Crime Victimization Survey, and you are expected to tell that person, who also has your name and address and tells you that they have your name and address, because they might want to reinterview you, or at least they have your name and address, it is a person-to-person survey, and you are expected to volunteer, not having been asked about defensive gun use, volunteer that kind of information in the context of discussing criminal attacks.

So his argument is what the critics thought was the strength of the NCVS is really a major weakness. The critics also argue that the NCVS was higher quality than the earlier surveys that Kleck had analyzed, and by and large that is correct, which is why he did the second survey that boosted the estimate from upward of—up a million to up to 2.5 million.

Kleck argues, and I think quite correctly, the better you do it, the more you get. He argues that his 2.5 million is undoubtedly an underestimate, and if we could do the research better we would find more.

He is involved in a more recent survey, in this case funded by the National Institute of Justice, an impeccable Federal agency. The impeccability of Federal agencies, I gather, was a somewhat easier statement to have accepted prior to November 1994, than it has been since, but it is an impeccable funding agency.

Professor Wright, for example, has received research funding from them, and he is certainly as impeccable as we can imagine. The research is being done by the Police Foundation, which has a long history of being on the pro-gun-control side of these matters.

The advisory board of this latest as yet incomplete study included at least one of Kleck's major critics, who was able to review all the questions that were asked. The preliminary results, which I got the other day by phone from Professor Kleck, was that over a 5-year span, approximately 4 percent of American households have someone in them defend themselves with a gun using the standards that Kleck set up, about face to face and so on.

This comes out, if you multiply it out, to approximately 2.4 to 2.5 million a year. Very similar to Kleck's 1993 study, and also to nine other surveys that he has referred to.

I don't know why I don't keep these pages in order, but let's get on with the other topic.

Kleck goes on to talk about defensive gun use versus crimes with guns. And this has been referred to already by someone in the first panel.

Again, looking at a period as close as we can get to when his 1993 study was done, the most liberal estimate of gun use by offenders in the NCVS for 1992 was about 537,000 gun crime incidents. Now this is reported by survey respondents. It would be considerably larger than reported to the police, very likely. This compares with 2.2 to 2.5 million defensive gun uses in Kleck's work.

His research also tells us something about the kinds of people who use guns to defend. And this is interesting, in part I suspect politically, although I think that is your bailiwick, not mine, but in terms of the gun culture argument that Professor Wright made. Black respondents in Kleck's 1993 survey were about 90 percent greater, more likely, to appear in the population of defensive users than they were to appear in the population as a whole. That is almost twice as likely to report defensive gun use as they appeared in the sample. Hispanics were about two-thirds more likely to report defensive gun use than their proportion in the sample. Males came out to about 54 percent. Kleck thinks that this is an overestimate—I am sorry, an underestimate of male participation. But even so, it leaves females reporting at about 46 percent.

OK. Some of the earlier argument in the 1950's and 1960's and 1970's about the American gun culture and had a kind of imagery popular among literary professors at places like Columbia University, with a vision of America as being made up of sort of red-neck leftovers from something called the frontier. And this was the old culture. The new culture was represented presumably by liberal arts professors at Columbia. And what is fascinating is that the disproportionate—and the typical image was someone with a double name living somewhere in the South who had a pickup truck with a gun rack in the back. This was sort of the enemy of civilization.

What is fascinating about Kleck's data on who uses guns in self-defense—again, now, remember there is rather strict standards before we accept a report, blacks, Hispanics, and women, very highly represented. Women way overrepresented as compared to their numbers of owners. As compared to their representation among owners, women even with the adjustments that might be made, come out very high.

An attack on the defensive gun culture then turns out to be not an attack by the intellectual elite of the eastern seaboard on the heritage of the frontier, to quote Professor Hofstadter some years ago, but turns out really to be attack on the current participants in the modern American frontier, inner city, largely, blacks, Hispanics, and disproportionately to their ratio of ownership, females. About a quarter of the people reported they actually fired a gun at the attacker. About 8 percent reported they had wounded.

OK. A proportion, by the way, considerably higher than a number of American police departments can report. This of course brings up an interesting possibility. And that is, if we take at all seriously the argument that someone's life may have been saved, and the data on the relative rarity of firing the guns and wounding

anyone, then it looks like there is a real possibility here that many lives are saved and very few are lost.

OK. And this relates to an argument which is sometimes made by people that innocent lives are lost—or people will say, well, the probability of killing an innocent person is x times the probability of killing a burglar. We are not interested, I think, as a society, in dead burglars. We are not interested in increasing the number of corpses out there.

And so I think the question is not the ratio of dead nonburglars to dead burglars. The question is the ratio of saved potential victims to injured or killed potential assailants. And if we follow Kleck's work, this ratio may be extremely high.

The fatality cost of self-defense in America may be extremely low. And I think this is a matter that should be taken into account.

I have some other issues, other matters. Let me see. It is interesting to—

Mr. SCHIFF. Sir, I think it is time, I do ask if you can begin to wrap up, so that the members of the panel can ask you questions.

Mr. BORDUA. This is a fine time. Thank you very much.

Mr. SCHIFF. I was looking for the right time on that. I do appreciate your testimony.

Once again, we have a number of members here, so I am going to invoke the 5-minute rule, and actually I think I will reserve my 5 minutes for the moment, and begin this time with our minority ranking member, Congressman Schumer.

Mr. SCHUMER. Thank you, thank you, Mr. Chairman. And I thank both witnesses for testifying.

I was listening to the whole thing. I was having lunch in the anteroom. It is the advantage of being live on C-Span, you can have lunch and still listen to the witnesses at the same time.

First, I just want to state a few facts for the record. Gary Kleck is seemingly the study that everybody quotes, at least on this side of the argument. First of all, his statistics, for the record, are at complete variance with the Bureau of Justice Statistics, which all of law enforcement relies upon. They are much, much higher in terms of gun use. I would submit that to the record.

They stated that fewer than 1 percent of all victims of violent crime used a gun to defend themselves. That is based on a sample of 40,000 people. Kleck's estimate of 2.4 million, he won't even show what methodology he has used or where the numbers come from, as I understand it.

Second, when Kleck's evidence was brought into Connecticut Superior Court, a judge who has no known position on gun control found them to be, quote, "biased" and did not help the inquiry of the court with respect to the legal claims.

And finally, even the peers in the field dispute Kleck's methods. David McDowell, professor of criminal justice at the University of Maryland, says, quote, "Kleck starts with conclusions then works backward to support them. The academic approach is the opposite."

So I for one, who have studied this issue quite a lot, have very little faith in Kleck's figures and a lot of the testimony here is based on those.

You can correct me if I am wrong, but has he ever published any of these statistics and these things in a journal where there is peer

review, where his fellow academics review it? Do you know of any journal? If so, could you cite, Dr. Bordua?

Mr. BORDUA. Yes; the earlier study——

Mr. SCHUMER. No; I mean the one with the 2.4 million, which is what everyone is basing their numbers on. One of the witnesses said 2.4 million people have used guns in self-defense and 10 percent have killed the assailant using the gun. That is the way these figures get bandied about. That would be 200,000 people killed, assailants, using a gun. If that happened, our crime rate would be dramatically lower than it is.

But anyway, can you cite that journal article?

Mr. BORDUA. Well, first of all, the critics have not published effectively——

Mr. SCHUMER. No; that is not what we meant, Dr. Bordua. You are citing Dr. Kleck, a journal where there is peer review, where he published anything relating to this 2.4 million number.

Mr. BORDUA. The 2.4 million, the second study——

Mr. SCHUMER. Yes; has that been published anywhere?

Mr. BORDUA. It is scheduled for publication in the Journal of Criminal Law, Criminology at Northwestern.

Mr. SCHUMER. At Northwestern. When is that going to come out?

Mr. BORDUA. It was accepted, it is scheduled to appear I think in August. He has read several papers at professional meetings and it has——

Mr. SCHUMER. Oh, yes, I understand that, but usually somebody who is regarded as such an eminence in the field has a work of published papers that go through peer review to make sure they are accurate.

Mr. BORDUA. Well, his original paper, of course——

Mr. SCHUMER. That original paper was based on a survey done by Peter Hart. If you read the question that was asked, it could be interpreted in many different ways. So I don't put any credence on that one, either.

Mr. BORDUA. I am not sure if this is the proper format for a congressional hearing, but I love to argue. And I have watched you on hearings, and I think you do, too. And I think between us, we can probably gobble up the whole place. But——

Mr. SCHUMER. But cite for me a journal.

Mr. BORDUA. His original paper, the 1988 paper, was published in the Journal of Social Problems. And it involved, if I recall correctly, an analysis of 14 different surveys, some of them by—commissioned by gun control groups and some of them——

Mr. SCHUMER. Sir, if I might interrupt, just because we have 5 minutes of time. The original one was based on a Peter Hart survey, but the question that he interpreted to mean "have you used the gun for self-defense" is a very broad-ranging question. I will submit it to the record and let the public decide.

My question for Dr. Wright—Dr. Wright, let me ask you this. Are you currently employed or under contract or retainer with any firearms manufacturer?

Mr. WRIGHT. No.

Mr. SCHUMER. OK. Have you ever received any money from gun manufacturers, consideration?

Mr. WRIGHT. I have testified in court cases involving gun manufacturers, yes.

Mr. SCHUMER. How often has that occurred?

Mr. WRIGHT. I have done that maybe three times in 20 years.

Mr. SCHUMER. OK. And each time the gun manufacturer paid for your testimony, which is standard procedure?

Mr. WRIGHT. Yes.

Mr. SCHUMER. OK. Let me ask you this. Just one other, since I am limited in time here. You have given us your opinion on the subject of self-defense here today. I just want to ask you about another opinion you expressed in the past.

Isn't it true that you have expressed the opinion that we should legalize heroin in the United States, because that would reduce the rate of homicide?

Mr. WRIGHT. No; that is most assuredly not true.

Mr. SCHUMER. OK. Well——

Mr. SCHIFF. The gentleman's time is expired.

Mr. SCHUMER. I just ask unanimous consent for 1 minute, just to get these in the record, get Dr. Wright's——

Mr. SCHIFF. The gentleman is recognized for another minute.

Mr. SCHUMER. OK. This is two excerpts from a deposition that you gave dated June 2, 1983, in a certain case here. He is bringing it right to you. On page 134, quote, "I think we should legalize heroin and give people heroin rather than make them steal \$300 a day."

And on page 140, "you could just go down to your corner drug-store and get your daily fix and go vegetate and not hurt anybody." Those are your words as transcribed by a court reporter, which I presume——

Mr. WRIGHT. Could you give the pages again?

Mr. SCHUMER. 134 and 140.

Mr. WRIGHT. This was in what, 1983?

Mr. SCHUMER. Yes; 12 years ago.

Mr. WRIGHT. Well, I gather if it is in this transcript, it is probably something I said, yes.

Mr. SCHUMER. OK. Thank you. No further questions.

Mr. SCHIFF. Well, let me say I thought I left my career as a trial attorney behind me when I got to the U.S. Congress. But apparently not. And since time was short, for the witnesses, and since I did reserve my time, I would like to offer some time to either Dr. Wright or Dr. Bordua to respond on my time if they wish to.

Dr. Bordua.

Mr. BORDUA. Yes; the estimates that have been used to criticize Kleck's work are precisely the ones from the National Crime Victimization Survey, which I mentioned, the 80,000. And I think now with agreement between Kleck's 1993 survey and the current one being sponsored by the—also the Federal sponsor, coming out with approximately the same, the same 2.4, 2.5 million, that we have to accept Kleck's conclusions, estimates.

He argues, and I think quite convincingly, that if they err, they err on the low side, because it is just difficult to get these kinds of materials. On the question—I have forgotten one of the other things that we got going on.

Mr. SCHUMER. The Bureau of Justice Statistics has a 1 percent rate, much lower.

Mr. BORDUA. Well, those are the same statistics. The Bureau of Justice Statistics are from the National Crime Victimization Survey. There is, as I understand it, and you folks will surely know more about this than I will, there is currently a considerable debate among the Federal bureau contracts as to the utility of the National Crime Victimization Survey in this and a number of areas. It dramatically, for example, underestimates the number of rapes and attempted rapes as compared to other research.

We could get about the same kind of difference between the Bureau of Justice and other research in the case of rape, as we get in the case of guns. I think conservatives might like to quote one difference and liberals might like to quote the other. But the fact is that there are big underestimates of certain kinds of crimes and certain kinds of behaviors.

The National Crime Victimization Survey was not designed as a study of guns or gun use. It was designed as a study of crime victimization. And gun use came in more or less secondarily.

I think at this point, the field has come to agree with Kleck's estimates. I think as a matter of fact, rather than argue—see, if you ask yourself, how can you interview 4,500 people and randomly selected sample in the United States anonymously, and get between 2 and 2.4 million of them to own up that they threatened somebody with a gun.

Now, you can call it. Have you ever defended yourself against crime, and remember he threw out a lot of the less obvious cases.

If I can go back to the standards that were used in including a response, face to face, this doesn't count the kind of event that was testified to this morning by the lady at the right-hand end of the table where she said that she didn't actually confront the people in her home. She just cocked the AR-15 and they got the message and left. So that would not count—

Mr. SCHIFF. Excuse me, Mr. Bordua. This is my time and I have extended it to Doctor Bordua. I will, after every member of the panel has had a chance to question, go back again and see if there are questions which are desired to be asked. But I do want to—my time is almost expired, Dr. Bordua, which means I have no more time to extend at this time.

But I do want to say this. I understand that there is a legitimate debate on sociological studies as well as many other issues. I think what is significant here is that we are getting a point of view expressed at this hearing today which I have not heard expressed in witness testimony in many previous hearings. And I think all of this information is relevant, as we consider these very, very important and difficult and complex issues.

So my time is expired. Let me recognize Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

I think these numbers are important, because there is so much disparity. Let me make sure I understand the figures right.

Do I understand that the figures are that 2.5 million crimes have been stopped by guns and that 400,000 lives have been saved as a result?

Mr. BORDUA. No, I am sorry, sir. I don't think that is correct. Somewhere around 2.4 to 2.5 million times, people report, people report that approximately that number of times per year they have used a gun in self-defense.

The estimate is—they were also asked—let me get myself straight here. This is my first time before a congressional committee. I am nervous. They were also asked if they felt that the use of the gun might have saved their life or someone else's. OK. And they were given a scale from which to choose. And a little—almost 16 percent said that they were almost sure. Well, it is hard to know.

Mr. SCOTT. OK. So 16 percent is about 400,000?

Mr. BORDUA. That is the 400,000.

Mr. SCOTT. OK. So the testimony is that 2.5 million times a gun was used to stop a crime, you saved 400,000 lives?

Mr. BORDUA. No.

Mr. SCOTT. Let me just say this, then I would yield the balance of my time to the gentleman from New York, that that is about a 6-to-1 ratio, which would—if you have 400,000 lives saved for those half of the public that have guns, you would expect those that did not have guns to have lost 400,000 lives. In fact, there are only 24,000 murders in all of the United States.

The other figure that is being used is 80,000, by the—other national figures, 80,000. Six-to-one ratio of that would be about 12,000, which is in fact exactly half of the murders that we know about.

So based on that arithmetic, I think the 80,000 figure is much closer than the 2.5 million. If that is true, then I mean your whole testimony is based on the 2.5 million.

I will yield the balance of my time to the gentleman from New York.

Mr. SCHUMER. I would just say one other thing. It makes eminent sense, and the numbers that Mr. Scott has cited are much more in consonance with the Bureau of Justice statistics. You have mentioned these numbers were conservative because you are saying, what about when the gun was there and not fired, like the lady who mentioned she clicked the triggers and of course the criminals heard that it was an assault weapon and ran away. Maybe—I don't know, I didn't understand her reasoning. If they had heard it wasn't an assault weapon, they wouldn't have run away? I didn't quite get that.

But the question in the Harris survey, the Peter Hart survey—I will read it to you, Dr. Bordua. To keep saying these are conservative because what about the times they didn't attempt to fire the gun. It says, "Within the past 5 years, have you yourself or another member of your household used a handgun, even if it was not fired, for self-protection or for the protection of property at home, work, elsewhere, excluding military service or police work?"

First of all, they make it clear, even if it is not fired. So there is no underestimation there. But second, that question could be interpreted using a handgun, could be interpreted to mean I had it at home. I just didn't use it. I mean, it is such a vague question. And to build a whole construct which Kleck did on that question, which gave a 7-percent answer, way out of line with the 1 percent

answer that everybody else seems to come up with, I think is—it is not academia, at least as I know it.

Mr. BORDUA. May I?

Mr. SCHUMER. Please. Yes, yes, I yield to you.

Mr. BORDUA. OK. You can help, you know, if you want.

Mr. WRIGHT. Why don't you read the equivalent questions from the 14 other surveys into the record as well, see if they all have the same problem.

Mr. BORDUA. The Hart survey, first of all, talks only about handguns. It has a 5-year period, which is notoriously bad from the point of view of memory loss.

Mr. SCHUMER. It was done 15 years ago, so it is out of date.

Mr. BORDUA. Well, the ones in Kleck's 1980 study, he did do what is called secondary analysis of these studies, 14 surveys was the group he started with originally. What turns out is the more you winnow out the weaker surveys, and the Hart survey was one of the weaker ones, the more you winnow out the weaker surveys, the more you focus on recent events. In other words, the stricter you get, the higher the estimates become, not the lower.

Mr. SCHUMER. Just reclaiming my time, because I see the light has turned, I would say that is why we need, before we should come here citing all these numbers and building huge articles, we ought to have some kind of peer review. That is what academia is all about.

Mr. BORDUA. I must protest, sir.

Mr. SCHIFF. The gentleman's time is expired.

Mr. Heineman.

Mr. HEINEMAN. Thank you, Mr. Chairman. I would like to yield some of my time to the protest, Mr. Bordua.

Mr. BORDUA. Yes, well, the Kleck work has been subjected to all kinds of review and criticism. It is the most criticized body of work in American criminology, I think certainly in the last 20 years.

The fact of the matter seems to be the national data, the data from the Justice Department, the National Crime Victimization Survey, on this subject, is wrong, just plain wrong. They don't ask the right questions. They weren't interested in this subject particularly. And if you don't ask the right questions, since we are in the trial lawyer mode, we know that if you don't ask the right questions you don't get appropriate answers.

The original 14 surveys were reduced to 9. The best estimate of their estimates is close to the 4 percent, which is the figure that comes out of Kleck's work and comes out of now the work done by the Police Foundation, where, by the way, one of the members of the review committee that was allowed to review the entire question construction, interviewing procedure and so on, has been one of the major proponents of the view that Congressman Schumer, that you are putting forward. I think that the Kleck data are right.

Mr. HEINEMAN. Thank you.

Mr.—excuse me, Dr. Wright, would you care to offer anything for the good of the order?

Mr. WRIGHT. Just to make the comment that all of Professor Kleck's work appears in refereed journals of the first rank. The most recent paper has not yet appeared, only because of the backlog papers at that particular journal. But it is a refereed journal,

a highly credible refereed journal, as are all the other journals that Kleck has published his work in. So the characterization that this is science by press release and public announcement is outrageous.

Mr. HEINEMAN. Dr. Wright, you said you have been in this business for 20 years. Approximately how many times have you appeared as an expert witness?

Mr. WRIGHT. In court cases and congressional testimony combined, all of the above?

Mr. HEINEMAN. Yes.

Mr. WRIGHT. Probably a dozen times or so.

Mr. HEINEMAN. Dozen times. Thank you.

I reserve the balance of my time, Mr. Chairman.

Mr. SCHIFF. Mr. Heineman reserves the balance of his time. I estimate at about 2 minutes left, Mr. Heineman. but it will be reserved.

Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. And thank you to the witnesses.

I started this morning with the idea that this is an opportunity for all of us to both listen and learn. I hear some of my colleagues saying, and I happen to be a new Member of Congress, that they were not able to hear for 10 years or 12 years. Apparently for those of us who come from the local community, we have heard all of this. So therefore this is not new to me, but I certainly welcome it in this committee and being provided to the record of the U.S. Congress.

I would simply ask both of you if you could give me your estimation of the number of firearms and guns in the United States today. Dr. Wright.

Mr. WRIGHT. I would say on the order of 200 million currently in circulation, in private hands. That excludes police and military arsenals.

Ms. JACKSON LEE. Doctor.

Mr. BORDUA. I would pick, within the range of credible estimates, I would be a little higher than that. I would say 210 to 220. I don't think anyone knows within plus or minus 20 million or so. But it is important to keep in mind that 200 minus 20 million is still 180 million. It isn't as though when you say, well, maybe somebody is overestimating. We are not overestimating by much. One hundred eighty million guns is a lot of guns.

Ms. JACKSON LEE. And I appreciate you saying that. I am not able to say you hit the jackpot, but I will say you are both in the ballpark. It is estimated in 1995, about 200 million. And obviously it is give or take a few. Which really is almost about one per citizen in the United States.

So if there is any thought that anything that this Government has done inhibits citizens from defending themselves, I think that we are all on the wrong page.

But moving along in terms of my concerns, as I listen to Mr. Joo and the comment or question that was offered by my colleague, the distinguished gentleman from Georgia, certainly again I have always said we are not emulating other nations, though there are some that have a higher safety rate that I would certainly like to emulate. But interestingly enough, I believe Mr. Joo indicated that

the citizens don't have guns in South Korea, as well as the criminals not having guns. I think we all can agree on that.

But it would be interesting to note that we would not, again, argue on whose government is better. It would be interesting to determine what their crime rate is.

And my question to you is, do you have a comment on that inasmuch as you classify the right of citizens to defend themselves, it appears that we have plenty of guns for citizens to defend themselves. None of that has diminished the violence in this Nation. And if we begin to try to assess where we need to go the next 4 or 5 years, it would arguably, based on Mr. Joo's testimony, seem that the less guns helps to diminish violence.

Your argument that we have not seen anything accomplished by way of gun regulation is because we have yet to be able to see a period of years where it has worked. We are still competing neck and neck with gun manufacturers who continue to proliferate and manufacture guns, albeit whether the law-abiding citizen has it or the criminal. So the more you manufacture guns, the more they are out on the street.

And the question is, how do you relate that to a comment made by a gentleman who comes to this Nation, and because it is free and I certainly support that, carries all the guns he so desires, but in his own nation of birth, where there is probably less crime, the guns are out of the hands of citizens and certainly out of the hands of criminals, which I certainly 100 percent support.

Dr. Wright.

Mr. WRIGHT. On the domestic manufacture: the total domestic manufacture of firearms adds somewhere between 1 and 2 percent to the existing supply annually. So while it is true there are more guns manufactured every year, compared to the arsenal of guns already available, it is a very small fraction of new firearms that come on to the market.

So far as international comparisons are concerned, I will simply state my opinion that they are worthless. And I would be happy to elaborate on that if you would like me to.

Ms. JACKSON LEE. Why don't you, very quickly.

Mr. WRIGHT. There are too many ways that South Korea and the United States differ, to point to a difference in the crime rate and a difference in the gun laws and say this difference accounts for that difference.

Ms. JACKSON LEE. I am glad you are clarifying that, because it was used as an example or at least an inquiry was made as to the question of the safety question.

I would still say, however, in rebutting what you said, that there is something to the small number of guns in a society related to the incidences of violent and criminal acts.

And let me also comment, as I see the time, is that for sure even though the manufacturing may be at a certain rate, the fact that we are able to, without much restriction, import weapons of violence and the fact that there may be a black market in the trade of violence, violent weapons, also creates an atmosphere of continued violence.

And therefore, we must get to a point where we reasonably regulate, so that we can get to a point to see the evidence of the dimin-

ishing number of guns in a society and the diminishing amount of violence and murder and proliferating of those. And I think that is where we need to find some common ground. Because this tension that we are raising between those who are defending their home and business and between those of us who want reasonable response to gun ownership and gun usage and certainly out of the hands of criminals, that is where we need to be going in the United States Congress, not at each other but for each other and for a safe community.

Thank you.

Mr. WRIGHT. I share your desire for a more safe society.

Mr. SCHIFF. Excuse me. I have to say the lady's time has expired.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. SCHIFF. Thank you.

Go to Mr. Bryant.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman.

In listening to the general comments that we hear on both sides of the aisle today, we seem to, as Mr. Barr says, be talking about there is no real issue here, no controversy, that we are all singing off the same sheet of music. Yet we really know we are not here.

And when we talk about maybe the issue is we all believe in self-defense, but maybe the issue is the adequacy of that self-defense. And I keep thinking back to that ringing testimony I heard this morning from Mr. Rigsby, who is the gentleman from Georgia who testified dramatically about going out camping over the weekend and being accosted by two gentlemen, being outnumbered, and had he had a pistol, revolver, that had six shots or so, he would have been outgunned tremendously there by two people carrying shot-guns, and I am not sure what else. And I think maybe that is the issue we are talking about here.

When I see your testimony, hear your testimony, the issues come up that I hear about, well, perhaps we shouldn't defend ourselves because the likelihood that we are going to get hurt is dramatically increased when we pull out that gun. And if I understand what you are saying, the bottom line, and I know the numbers are flying—as any courtroom that I have been in for 20 years, you can find numbers to support either side of this. But as I understand your testimony is that your odds are a little better if you resist than if you just stop and let the burglar in your home or the person who steals your car do whatever they want to do?

Mr. WRIGHT. Yes, Dr. Bordua's research and the research of a number of other people do indicate that the probability of successful victimization goes down if victims resist, as opposed to if they capitulate, and that of the means of resistance available, by far the most effective is to resist with a firearm. I don't think those findings are in dispute.

Mr. BRYANT of Tennessee. Well, I am hearing—used to be I know advice that I heard with women in terms of being taken, kidnapped, confronted on shopping center parking lots, used to be, I think, to not resist. But now very clearly I think the message is that you don't get into the car with that person, you use every manner and means of resistance.

Is that somewhat a similar analogy? Would that be a good analogy?

Mr. BORDUA. Yes. If I can comment on that, rapists relatively rarely use weapons. We have a great deal of data from the National Crime Victimization Survey that Mr. Schumer was citing. We have a great deal of data from their several studies using that kind of information, indicating that rapists rely—typically they are males, typically they are raping females, typically they are stronger, typically they seek surprise. So that tactically—

Mr. BRYANT of Tennessee. Well, I have got just a short period of time.

Mr. BORDUA. If I may—

Mr. BRYANT of Tennessee. We are not here to talk about rapes. I was just using that as an analogy. We are talking about firearms.

Is that the same consistency, that resistance might improve your chances of surviving?

Mr. BORDUA. Resistance with a gun by a woman against attempted rape is a very high payoff activity for her.

Mr. BRYANT of Tennessee. OK. Now, the other issue I hear oftentimes about self-defense is that, well, if you have a gun in your home, the odds are that the gun will be taken away from you and used against you, and you will probably get shot yourself. Now, what about that?

Mr. BORDUA. Again, using part of the National Crime Victimization Survey, subparts of it where you can actually get these dynamics, oftentimes you can, that turns out to be practically a nonexistent phenomenon. People who come into your home and you are standing there with a gun, it just doesn't seem to be the case that they run after you very much. I think we can all accept that.

If guns in the hands of criminals are dangerous to victims, guns in the hands of victims are dangerous to criminals. And everybody sort of knows that and the interchange.

Mr. BRYANT of Tennessee. Well, it is much like the issue of seat belts. There are occasions when people get killed wearing a seat belt, but the odds of your survival in a car wreck are dramatically increased when you wear a seat belt.

Mr. BORDUA. Precisely.

Mr. BRYANT of Tennessee. With that said, Dr. Wright, do you have a comment?

Mr. WRIGHT. I would only add, whether people are safer or not matters less than whether they feel themselves to be safer or not.

Mr. BRYANT of Tennessee. Let me ask you, too, both of you, have you both testified in courts before?

Mr. WRIGHT. I have, yes.

Mr. BRYANT of Tennessee. Have you been qualified and accepted as an expert witness in courts?

Mr. WRIGHT. Yes.

Mr. BRYANT of Tennessee. In Federal courts?

Mr. WRIGHT. Courts to me, I don't know.

Mr. BRYANT of Tennessee. In various States?

Mr. WRIGHT. Yes.

Mr. BRYANT of Tennessee. Thank you.

Dr. Bordua, have you testified before?

Mr. BORDUA. I have prepared material for court cases. I have never been called upon to testify. I don't know if I am qualified or not.

Mr. BRYANT of Tennessee. Well, you have undergone that experience today, let me assure you.

Mr. BORDUA. They have used the information, so I assume I am qualified. Most of us ordinary people don't understand a lot about that process, as you may be aware.

Mr. SCHIFF. The gentleman's time is expired.

Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

I find myself being very edified by this testimony, but also very troubled. And I don't know that I can ask any questions that would edify me further or trouble me less. So I will not ask any questions.

I think in the event some of my colleagues raised some questions that may need to be further explored, though, I will reserve my time this time, rather than yielding it back.

Mr. SCHIFF. Mr. Watt reserves the balance of his time.

Mr. Chabot

Mr. CHABOT. Thank you, Mr. Chairman. I just have a couple of comments.

Dr. Wright, in your testimony, and we have the good fortune to have it in written form here in front of us, so I would like to refer to it exactly, a couple of things which I find very interesting and which I agree with. I just thought maybe you could expound about these couple of things here. There are just three of them here. I will read them so I am getting it right.

The first one is when we attempt to control crime or violence by controlling the general ownership or use of guns among the public at large, we are attempting to control the behaviors of a very small fraction of the population, the criminally or violently inclined for action, by controlling the behaviors and activities of roughly half the U.S. population, meaning gun owners, I assume.

Whatever else might be said about such an approach, it is certainly not very efficient. And I assume what you are saying there is that basically by the gun control laws and the laws, for example, that Congress enacted last year before I got here and Mr. Barr got here, Mr. Heineman and Mr. Bryant of Tennessee, before we got here, this law, these laws were the types of laws which basically controlled guns and applied to citizens all across this country, when in fact the criminals who really abuse guns are a relatively small proportion of our population.

Perhaps it would be much more efficient if we took strong action against the people that are really using these guns improperly, in other words, the criminals, the people who aren't going to pay any attention to the laws that we pass anyway, because they have shown that by their behavior over years and years in this country.

Would you want to—perhaps I maybe said what you would say, but could you—

Mr. WRIGHT. That was my intended implication. If you consider, for example, something like a mandatory criminal background check, which the Brady law does not mandate, of course, it simply makes it possible, doesn't require that it be done, but if—one can easily imagine passing a law that required a criminal background check on every firearms purchaser.

OK, that is fine. Somebody has to do that background check. That is going to draw down on some kind of resources. Some cop

who would otherwise be doing something else is going to have to look on the computer screen, enter data, do something. There is some drawdown of resources.

Whether that is a wise expenditure of resources or not depends almost entirely on what that person would otherwise be doing. And if that person would otherwise be, say, out on the street disarming the bad guys on the street, then I maintain that having him sit at a computer terminal doing background checks is a very inefficient use of these resources.

Mr. CHABOT. Right. Let me get you the second quote here, because I have only got a couple minutes. This is the second quote from your statement. "Most people realize, correctly, that the police cannot really protect them from crime. So people face the need to protect themselves. And many choose to own a gun, along with taking many other measures for this purpose."

And here is the portion of the quote which I liked especially. "Does a society that is manifestly incapable of protecting its citizens from crime and predation really have the right or moral authority to tell people what they may and may not do to protect themselves?"

I thought that was really an excellent quote here. And did you want to comment on that?

Mr. WRIGHT. Well, the question is meant to be a rhetorical question, in that it, in posing it, suggests the answer. I think we ought to be awfully circumspect when we tell people in inner cities today, you can own this but you can't own that. Because as the witnesses this morning made altogether obvious, we can't rely on the police to be there at all times and all places, do all the things that need to be done, to make us safe in our own homes and our own neighborhoods.

That being the case, then I think we do have to be circumspect in what we tell people they can and can't own, buy or do, to provide their own protection.

Mr. CHABOT. Thank you.

I have got less than a minute here, so the third quote I wanted to mention, this was in the section that you had categorized: Everything the bad guys do with their guns is already against the law. Since practically everything the bad guy does with their guns is already against the law, one is entitled to wonder whether there is any new law we can pass that would persuade them to stop it. It is more than a little bizarre to assume that people who routinely violate our laws against murder, robbery or assault, would somehow find themselves compelled to obey our gun laws, whatever provisions they might contain.

I think that is absolutely correct, that we can pass laws until we are blue in the face around this place, about restricting ownership on citizens rights to own the guns, and the criminals out there are going to completely disregard them. What we really need to do is to crack down on the criminals that are abusing our citizenry and abusing the rights to own guns in this country.

Thank you.

Mr. WATT. Mr. Chairman, may I inquire what Mr. Chabot is reading from? I don't have a statement from either of these wit-

nesses, and I am wondering whether I may have just missed getting a copy of it.

Mr. SCHIFF. If there is a—

Mr. CHABOT. It is in my packet.

Mr. SCHIFF. We will get the gentleman a copy.

Mr. WATT. Neither did Ms. Jackson Lee, because we were looking and wondering whether they had prepared statements.

Mr. SCHIFF. I will ask our staff to assist the gentleman.

Mr. CHABOT. We are—I might add, for some reason Mr. Barr and my copy ended at page 11, in midsentence. So there is a little bit at the end here we would like to get that is not on here.

Mr. SCHIFF. I think it was also stated orally.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Dr. Wright, does crime control affect criminal behavior? I mean, does gun control affect criminal behavior?

Mr. WRIGHT. Yes.

Mr. BARR. In what way?

Mr. WRIGHT. Well, you know, in a variety of different ways. If, for example, you stiffen up on the provision against sale of firearms to persons with felony convictions, then you drive a small fraction of criminals who would otherwise try to buy guns through normal retail channels into some other market or some other venue for making the purchase.

So there are ways in which the behavior of the bad guys is influenced or affected, depending on what kinds of laws they confront, yes.

Mr. BARR. OK. You are talking about gun control laws that are directed at criminals?

Mr. WRIGHT. Well, if you take, for example, mandatory sentencing provisions as gun control laws, for example, the "one with the gun gets you two law" or things like that, if you consider that gun control, then it certainly has some effect on what the bad guys do. They do more time, for example.

Mr. BARR. Right. But these are laws that are directed at criminals.

Mr. WRIGHT. Yes, that is correct.

Mr. BARR. OK.

Dr. Wright, also, am I correct in understanding that you in the past received a Department of Justice grant to determine what kind of gun law or gun laws would be most effective?

Mr. WRIGHT. I had research funds from the Department of Justice to look at the relative effectiveness of various gun laws, yes.

Mr. BARR. OK. And very, very briefly, what were the results of your research?

Mr. WRIGHT. We never found any conclusive evidence even to suggest very strongly that gun control laws have much effect one way or the other on crime rates. Didn't seem to be very efficacious intervention.

Mr. BARR. OK. I would like to follow up a couple or at least one question that my colleague from New York asked. And I think it is interesting to see the different approach that my colleague from New York took with the last panel and this panel.

In response to the last panel's presentations, he was very solicitous, very accommodating, very quiet, very nice, and didn't ask any questions really. And yet after at least one of those witnesses left, then he expressed some doubt about the testimony.

But one thing that my colleague from New York did indicate was to try and discredit your all's references to work done by Dr. Gary Kleck. And I would like to ask if both of you are familiar with the American Society of Criminology. You are both shaking your head yes. Is that a credible organization?

Mr. WRIGHT. Yes.

Mr. BARR. OK. Are you aware of the fact that Dr. Gary Kleck won a very prestigious award from that society for a—for this study on firearms, entitled "Point-Blank?"

Mr. BORUDA. Yes, the Michael Hindelang Award. Hindelang was a famous scholar in Albany, NY, not far from where Mr. Schumer is from, actually.

Mr. BARR. Apparently it is quite a ways.

Are you both also familiar with the——

Mr. SCHUMER. I would say this, if the gentleman would yield. A lot further away. A lot closer than Albany.

Mr. BARR. I have not yielded. If—are you also both, gentleman, familiar with the publication called Social Pathology?

Mr. WRIGHT. Yes.

Mr. BARR. OK. Are you aware of the fact that Dr. Kleck has also published as recently as January 1995 in that publication?

Mr. WRIGHT. Yes.

Mr. BARR. And is that also a credible publication in that trade or profession?

Mr. WRIGHT. As far as I know, it is a legitimate, refereed, scholarly outlet, yes.

Mr. BORUDA. Yes.

Mr. BARR. OK. Handguns were banned, the purchase of handguns in the late 1970's in the District of Columbia. Are either of you aware of whether the homicide rate in the District of Columbia since that time has risen or fallen?

Mr. BORUDA. You have entered on an extraordinarily vexed area of social research, sir. There was a study done—there have been several studies, and they have disagreed as to the effectiveness of the handgun ban in the District of Columbia.

The best argument I can come up with is that the ban in fact had no effect. I have been a coauthor of a paper, not as yet refereed, which comes to that conclusion. And there was at least one other study that came to that conclusion. There is, however, a study which comes to the opposite conclusion.

Clearly, what happened in the District of Columbia, leaving all of the academic fiddle-faddle aside, is that firearms murder was going down prior to the enactment of the law. It continued down for a little bit. OK. And when that happens, anything you do makes you look good. If the fire in your house is going out, everything you do looks like it puts out fires. OK.

And then the handgun—then the murder rate started back up again and became much higher. So even stretching the credibility of that research a great deal, if in fact it had any hand—any homicide suppressive effect, it only lasted a very short time.

Mr. SCHIFF. I have to say the gentleman's time is expired.

Mr. BARR. Thank you, Mr. Chairman.

Mr. SCHIFF. Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

You know, I find it very interesting that Mr. Chabot read into the record again two of the quotes from Dr. Wright's testimony that I had already marked and wanted to reemphasize.

Dr. Wright, I think that your testimony was one of the clearest, most focused statements on this issue that I have ever heard in my life.

Mr. WRIGHT. Thank you.

Mrs. CHENOWETH. and Tulane University is indeed fortunate to have you on its faculty.

Mr. WRIGHT. Tell my dean that.

Mrs. CHENOWETH. I also would like to work with Mr. Barr, who heads up our task force, to seek permission to have this in large part entered into the Congressional Record. Because I think it contains information that should be in that record and I hope you also publish this in periodicals.

Mr. SCHIFF. I am sorry, could the lady say what article you are seeking to enter into the record of the hearing? Could you say again?

Mrs. CHENOWETH. Excuse me, Mr. Chairman. Dr. Wright's testimony in large part.

Mr. SCHIFF. It is already in the record.

Mrs. CHENOWETH. In the Congressional Record? It is in the record of the——

Mr. SCHIFF. It will be in the record of this hearing.

Mrs. CHENOWETH. Of this hearing?

Mr. SCHIFF. Right.

Ms. CHENOWETH. OK. So—all right, very good.

I also want to point out the fact that you had mentioned on page 10 that the question whether we can disarm the American criminal population amounts to asking whether an organized criminal enterprise that successfully imports hundreds of tons of Colombian cocaine into the United States market each year would not find the means to illegally import hundreds of tons of handguns from Brazil.

Dr. Wright, we have a climate today where the concept of supply and demand has caused the price of handguns to go up because of the political situation surrounding gun control, right? And so aren't we, through actions that we have just seen over the last 2 years, actually setting up a situation where it would be far more profitable for organized crime to be able to import handguns? It is far more profitable when the cost of handguns go up.

Mr. WRIGHT. I don't know that the regulatory environment of today has actually raised the price, but one can easily imagine a price for legal firearms at which it would be profitable organized crime to present to the market an alternate source of supply. There is no doubt——

Mrs. CHENOWETH. I know in my home State of Idaho that the cost of ammunition rose tremendously after the Brady bill was passed, and a great deal of ammunition was difficult to acquire.

One other thing that you mentioned in item No. 10, and I, too, want to say I certainly would like to be able to acquire page 12 of your testimony, but in item No. 10 you said something that really hit me. It was that guns are important elements to our history and our culture. And coming from Idaho, where hunting is a big part of our culture, where last year we saw the U.S. Forest Service try to impose rules and regulations which would require that every hunter that went into the forest for the purpose of hunting, and many people in Idaho hunt because of economic reasons as well as the fact that I know personally venison and elk is good eating, nevertheless this was a form of gun control by the U.S. Forest Service that would have allowed them to say who could and who could not be allowed to hunt in the forest. That is how far we have gone in our thinking.

I just want to say, Dr. Wright, that very often when people do not like the messenger, they try to shoot the messenger, and I think that sometimes it can be argued, although I am adamantly personally opposed to every legalizing drugs, it can be theoretically argued that if they were legalized, there certainly would be less crime with guns. So I would like to ask for unanimous consent that this committee would allow Dr. Wright to submit in writing the conditions around which your testimony was entered into the record by Mr. Schumer.

Mr. SCHIFF. Let me say, Dr. Wright, I believe you are being asked for an additional statement, and if you desire to submit an additional statement, without objection it will be allowed into the record.

Mr. WRIGHT. I would welcome the opportunity. Thank you.

[The information follows:]



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FAX MEMORANDUM

TO: Mr. Dan Bryant, House Judiciary Committee, Sub-Committee on Crime
 FAX: 202-225-3737
 FROM: James D. Wright, Favrot Professor of Human Relations *J. Wright*
 DATE: April 6, 1995
 RE: Drug Legalization

During my testimony to the Sub-Committee on 31 March 1995, Representative Schumer asked me whether I favored "legalization of heroin." Later in the testimony, I was given the opportunity to respond in writing on this issue. Herewith, my response:

(1) The document to which Mr. Schumer referred was a deposition I gave some 12 years ago in the case of *Wolf v. Colt Industries*. In the course of a long deposition, I was asked to state my views on what measures might be taken to address the crime problem. Having stated my views on what I felt were politically realistic and acceptable measures, I then entered what I described as the "Never Never Land" of approaches to the crime problem that would never be seriously considered in this country. (This was transcribed erroneously as the "Nether Nether Land.") And in that connection, I did state, "I think we should legalize heroin and give people heroin rather than make them steal \$300 a day."

I should like to add three additional comments about this piece of my testimony:

(a) Later testimony in the same deposition makes it clear that the comment concerning "legalization of heroin" was intended to apply only to people (i) who are medically certifiable heroin addicts and (ii) who sustain their drug habits by preying on other people (see p. 140). What I was suggesting in this testimony was an approach to heroin addiction similar to that taken by the British for several years, apparently with positive outcomes. I believed then, and I continue to believe now, that we would accomplish more positive outcomes if we treated drug abuse and addiction as health issues rather than as criminal justice issues.

(b) Were I giving the same testimony today, I would say "decriminalization" rather than legalization, an important distinction that has weighed heavily in my thinking about drugs in the intervening decade or so.

(c) I also note for the record that my testimony in **Wolf** preceded the outbreak of the crack epidemic in American cities (which began in 1985 or 1986). The crack epidemic has caused many people, myself included, to rethink their views on drugs.

(2) It is not clear to me what my views on drugs or their decriminalization have to do with the matters that were before the sub-committee, but if those views are indeed relevant, they are stated most fully in my book (written with Joel A. Devine), *Drugs as a Social Problem* (New York: Harper Collins, 1994). In brief summary: Drug prohibition as practiced in this country since early in the 20th Century has failed to reduce the quantity of drugs available by an appreciable amount and has likewise failed to reduce the demand for illicit substances. That being the case, it is perhaps time to think in new and innovative ways about how we might approach our drug problem. Selective decriminalization has apparently worked well in some European nations, for example, in England and in the Netherlands. Perhaps, therefore, it is time to think intelligently about whether similar approaches would or would not work in the United States. I should add in closing that views very similar to these are shared by an increasing number of experts and public health professionals, including the former Surgeon General of the United States.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I have no other questions.

Mr. SCHIFF. We have two members who have reserved some time I would like to call on first. Mr. Watt, you have 4 minutes reserved.

Mr. WATT. Mr. Chairman, I am enjoying so much being the moderate between these two radicals, Mr. Barr and Mr. Schumer, an unaccustomed role for me. I will happily yield 1 minute to Mr. Barr and 1 minute and 10 seconds to Mr. Schumer, the 10 extra seconds being for the sole purpose of enlightening us on how far it is between New York City and Albany.

Mr. SCHIFF. I appreciate the gentleman offering to yield, but I will ask all members in a moment if they have an additional quick statement to make. So I assume the gentlemen then is yielding back.

Mr. Heineman, you have the 2 minutes reserved. Do you desire to exercise that?

Mr. HEINEMAN. Thank you, Mr. Chairman.

I am really not impressed with statistics, especially the statistics as it relates to whether there is a direct relationship in Washington, DC, because a law was passed, an antigun law was passed, and homicides went down. If I were to believe a direct correlation exists because of that, I would have to believe that those that would commit murder because we enacted a law decided not to. So I hope we do not get too tied up with statistics.

It is like creating an average, yet there is not one person in that population that is average. And I think we that have studied statistics in the past can identify with that.

But let me ask either of the panelists that as far as criminals are concerned, have you ever done a study or become familiar with a study that at a certain age violent criminals cease to become violent criminals? Dr. Wright.

Mr. WRIGHT. I don't think there is a specific age, but certainly there is a very sharp drop off in criminal activity after about age 25, 26 in through there. And that is not an exact age, you understand, it is an average age. But, yes, by the time people start to approach 30, they lack the vigor and energy necessary to be hard core predatory types.

Mr. HEINEMAN. That has been my experience, my observation, without doing sociological studies.

So would you say and would you agree or would you disagree that to place a surcharge on violent criminals that use weapons during the course of their crime or possess weapons during the course of their crime would have a direct result, a direct relation to reducing crime as it relates to violent crime?

And the surcharge, when I say a surcharge, I mean an additional 5 years because of such possession or use, 10 years because of such use?

Mr. SCHIFF. I have to ask for a brief answer at this point.

Mr. WRIGHT. No.

Mr. HEINEMAN. Dr. Bordua.

Mr. BORDUA. To say yes would imply that again for 5 years in the outside world and aging for 5 years in prison are going to be the same thing, and I don't think either of us can say that that is the case.

What we do know is that violent behavior, criminal behavior drops off dramatically in the mid-20's, and the question about the extended sentence, I just don't know the answer to that. I would not say no, but I would say I don't know.

Mr. HEINEMAN. Well, I see I am asking people with inquiring minds. Thank you for being here. I yield back my time.

Mr. SCHIFF. Thank you, Mr. Heineman.

I would like to ask if, again the words that have been used in the subcommittee already, does anyone have a burning desire to ask one additional question that they have not had the opportunity?

Mr. Schumer.

Mr. SCHUMER. I just want to answer Mr. Watt's question. It is 220 miles. And with these activities I am getting closer to it all the time.

Mr. BARR. Mr. Chairman.

Mr. SCHIFF. Mr. Barr.

Mr. BARR. Leaving the question of geography aside, there was an issue that came up with the gentlelady from Idaho requesting that Dr. Wright's paper be included in the Congressional Record. I certainly understand that it will be included in the record for this subcommittee's proceedings, and I would just like to say to the gentlelady that I will be happy, as chairman of the Firearms Legislation Task Force, to see that it is included in the Congressional Record.

Ms. JACKSON LEE. Mr. Chairman.

Mr. SCHIFF. Ms. Jackson Lee.

Ms. JACKSON LEE. I wanted to make sure that I had, by unanimous consent, the opportunity to submit a fuller opening statement into the record, and I would ask that of the chairman on the committee. And I have an inquiry to the panel that I would like to ask.

Mr. SCHIFF. First, without objection, any opening statement you desire to enter will be accepted as part of the record of this hearing, and I do recognize you to ask the question that you would like to ask.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I wanted to raise a question of safety. That has been a passion of mine in terms of the protection of children and the issue that guns are kept safely away from children.

I think we can cite any number of time of accidental shootings and violence. Let me just steer away from that just a moment to again emphasize to you an incident that occurred in Houston on March 24 where a father lost his son. But I just want to read particularly the father's comment:

One more child dead behind a gun, he said to no one in particular. I know I am not the first to lose a child this way. They want to pass a gun law. And what for? So they can shoot some more people, he asked, referring to the legislation now being debated that would allow Texas residents to carry concealed weapons. Turning to the crowd of reporters and gawkers behind him, Sylvester Jackson issued a warning: You all better think. It is going to get worse.

So that clearly we have differences of opinion about guns on the street. And I think my earlier comment of the 200 million guns in-

dicates that certainly law-abiding citizens have them, but by the very nature it allows them then to get into criminal hands.

But my question is on safety, as I said. And do you consider it, gun control, to allow communities to pass legislation that enhances safety; that is, ensuring that guns are safely put away in the home to avoid children from getting them and having the high number of accidental shootings? And then, if I might add a statistic that notes that keeping a gun in the home—this is by the New England Medical Journal—keeping a gun in the home is independently associated with an increase in the risk of homicide, by the very nature that many of these shootings are by individuals who know each other and are also brought about through emotional incidents.

What is your perspective on the whole question of safety regulations as it relates to guns?

Mr. SCHIFF. I have to ask again for a brief answer from the witness.

Mr. WRIGHT. I have always been in favor of any regulation that would encourage the safe, responsible ownership, use and carrying of firearms, and that certainly includes any measures that would directly impact on the safety for children.

Ms. JACKSON LEE. Dr. Bordua.

Mr. BORDUA. I would certainly agree with that. I certainly agree one has to be careful, however, in looking at the national statistics on children. The health service tends to include as children people 19 and under. If you look at the upper range of what they call children, it is well into the range of what we criminologists call the criminal ages.

It is an unfortunate thing that crime, even including violent crime, tends to be quite strong in what we would think of as the upper teenage years. So that it is not simply a question of somehow depending these, quote, children. The Army, after all, the Government after all, used to conscript children 18 years old into the military and equip them with deadly weapons, if we want to use the Public Health Service notions of what is a child.

So one has to be cautious about the use of the statistics. One also has to be cautious about the fact that, and if I am out of line, please tell me, or maybe just, please—

Ms. JACKSON LEE. Why don't I do this, just to get my last question, because we have been asked to be brief.

Let me throw it out and say I respect your point of view; however, it is an issue of a life and those youngsters may be engaged in either suicide, or however the weapon is used, but it is a loss of a life, and I think that is clearly an important element.

You do not disagree, then, with the fact that safety legislation does not conflict with the idea of individuals having the right to defend themselves. It is appropriate to require or demand, if you will, that people safely hold guns and hold them safely in their homes.

Mr. SCHIFF. Once again, I have to ask for a very brief response, please.

Mr. BORDUA. Providing the legislation is directly and carefully tailored to that purpose.

Ms. JACKSON LEE. I think it can be done. Thank you.

Mr. SCHIFF. Mr. Scott seeks recognition and he is recognized.

Mr. SCOTT. Thank you, Mr. Chairman.

We have been cautioned about using statistics, but I think the entire testimony, as we evaluate it, is based on this 2.5 million figure, and 400,000 lives saved, and I think, of the half of the population that has firearms, if you saved 400,000 lives from that half, you would expect the other half to have suffered 400,000 deaths because they did not have guns to protect themselves with. In fact, there are only 24,000 homicides all together throughout the country. So I think we have, as we throw these numbers out, I think we have to put those numbers in that perspective.

The question before us is whether or not America will be safer if we repeal the assault weapons ban. Children are killed with these weapons designed to kill people quickly. And whether or not the assault weapons ban does any good or not, will we be safer, if we repeal the assault weapons ban?

Mr. BORDUA. Do you want my judgment on that? Are you asking me or? That was a statement rather than a question.

Assault weapons, conceived of reasonably narrowly, OK, are involved in such a very small proportion of all homicides or woundings in the United States that, frankly, from a statistical point of view, I don't think it would make any difference whether you ban them or not.

Mr. SCOTT. Well, will we be safer if we repeal the ban?

Mr. BORDUA. I can't answer that.

Mr. SCHIFF. The gentleman's time has expired. I just want to conclude with my own remark.

There has been a number of members discussing the many proposed laws in States that would allow individuals to carry concealed weapons. I think that is a legitimate debate. I think there can be concern over the right of self-defense versus fear of accident or fear that weapons will fall into the wrong hands. But I hope everyone realizes that criminals carry concealed weapons whenever they want, wherever they want all the time, and that debate will not affect what criminals do.

I want to thank this panel for their testimony. I think it was a significant contribution to this important subject.

Once again, we have been in session now for nearly a couple of hours, and I think it is appropriate to take, say, a 15-minute break. But I will try to keep it really to a 15-minute break and then we will can our third panel. The subcommittee will be in recess.

[Brief recess.]

Mr. SCHIFF. I would like to reconvene the subcommittee, please. I would invite everyone to take their seats so that we can proceed.

I would like to welcome our third panel today and invite you to please take seats up at the witness table. Our first witness is Dr. Garen Wintemute, who is the director of the violence prevention research program at the University of California, Davis. He also teaches and practices emergency medicine at the university's medical center, one of the Nation's busiest trauma centers. Dr. Wintemute has written extensively on firearms deaths, including, among others, papers on accidental shootings and suicides. He has just published a book on the firearms industry in southern California.

We have four additional witnesses who are citizens from different walks of life, each of whom will describe in their own words how

firearms have touched their lives, and they are: Susan White-Bowden, from Maryland; Michael and Mary Steber; and Thomas McDermott, all from New York. Would you all please come up to the witness table.

Let me say that if you have submitted written statements, without objection your written statements will all be made a permanent part of this record, and I would invite you to proceed as you think appropriate. And we will begin with you, Dr. Wintemute.

STATEMENT OF GAREN J. WINTEMUTE, M.D., M.P.H., DIRECTOR, VIOLENCE PREVENTION RESEARCH PROGRAM, UNIVERSITY OF CALIFORNIA, DAVIS

Dr. WINTEMUTE. Thank you, Mr. Chairman and members. Thank you for the invitation to testify today. I might mention that with my written testimony I have submitted a number of additional documents that might be of help to the committee.

Mr. SCHIFF. Without objection, those additional documents will also be made a part of this hearing.

Dr. WINTEMUTE. I believe all of you have copies of my written statement and I would like just to quickly cover some highlights of it. I will be reading short excerpts from the written statement.

Today, nearly two-thirds of Americans describe themselves as truly desperate about crime and about their personal safety. In that desperation, almost two-thirds of Americans feel that the need to have a gun for personal protection is increasing. Yet, at the same time, an essentially identical 61 percent of Americans feel that the ready availability of guns has contributed, a great deal, to rates of violence, and less than half of gun owners believe that having a gun makes them safer from crime.

Am I the only person here getting feedback? Am I too close to the microphone?

Mr. SCHIFF. I can hear you fine.

Mr. SCHUMER. It is part of the plot against us, Dr. Wintemute.

Mr. SCHIFF. Perhaps if you pull it a little closer, it might help.

Dr. WINTEMUTE. Herein lies the difficult question that is, I think, at the heart of the matter we are discussing today. Is ready availability of guns at home and on the street for defensive use part of the problem, part of the solution, or both?

Clearly, part of the answer, and one we focused on a fair bit already today, is the question how often are guns used for legitimate defensive purposes.

I happen to hold that the data supplied through a study of the National Crime Victimization Survey are probably the most reliable estimate that we have. It is based on a sample of 59,000 housing units in the United States. As you have already heard, based on these data, it is estimated that during the period 1987 to 1992 there were, on average each year, just over 60,000 persons who used firearms to defend themselves.

It is also estimated that about a fifth of these are law enforcement officers acting in the line of duty, reducing the annual estimate of civilian defensive use of firearms to around 50,000 cases per year. There are an additional 20,300 persons or so who are believed to have used a firearm to defend their property from theft.

In my written statement I have made some comments about the methodologies of this estimate and the various estimates provided by Dr. Kleck, and I think it is probably not worth taking up time at the moment to go through those. They are available to read.

What I would like to make available to the committee is the one document to my knowledge, in which Professor Kleck has published his second study, the study estimating 2.4 million instances of defensive use of guns that so much attention was focused on earlier.

This is a page from the Orange County Register. It is a local paper in southern California from a year and a half ago, from September 1993. Professor Kleck gave an interview to a Mr. Neal Schulman, who is described here as a "novelist, screen writer, and journalist who has written extensively on firearms public policy." There is, in this format, a nonpeer reviewed publication of those findings.

I would make this available to the committee, if it would like, and, like you, I am certainly waiting to see the results after a peer review.

But based on the National Crime Victimization Survey data, our best estimate, I think, must still be that including both civilians and law enforcement personnel together, approximately 82,000 persons use firearms each year in defense of person or property. This is a very considerable incidence of defensive use. It must, however, be put in the balance against an annual toll estimated at over 40,000 firearms deaths, 120,000 to 280,000 nonfatal firearm injuries, including both intentional and unintentional shootings, and over 900,000 violent crimes involving handguns alone.

I would like to spend the bulk of my time discussing the likely effects of increased availability of guns for defensive use. It is clear, I think from the previous panel, that the assessment of the net benefits and costs of defensive use of guns considered at the individual level is still a subject of very active ongoing research, and it may be that the answer varies depending on whether we are talking about use in the home, use on the street, the population involved, et cetera.

There is evidence that defensive use of a firearm appears to modify the outcome of a violent crime, but the overall effect is quite unclear. The Department of Justice, for example, reports that 20 percent of persons who use a firearm to defend themselves in a violent crime situation suffer an injury compared with nearly half of those who use no weapon or some other weapon.

However, the authors of the report stress that care should be used in interpreting these data because many other factors, as we heard about in the previous panel, were not taken into consideration.

And a very different picture emerges when both fatal and nonfatal outcomes are considered. In one study of robbery, active resistance is associated with a risk for death approximately 14 times greater than that seen for other responses to a violent crime. And this rises to a 49-fold increase in risk for death in the case of commercial robbery. This is important because robbery is the stranger-to-stranger crime responsible for about 75 percent of felony killings in the United States.

It is also clear that the ready availability of guns purchased for protection provides a major source of weaponry for criminals. I would like to quote Professor Wright from your previous panel here. "The approximately 72 million handguns currently possessed by legitimate private owners represent a potentially rich source for criminal handgun acquisition." In fact, possibly the highest estimate of the importance of stolen guns comes from Professor Wright's survey of incarcerated felons, in which it was determined that as many as 70 percent of the most recent handguns owned by this group were stolen.

I would like to pass over the remarks in my written statement with regard to the net effect for risk or for benefit of ready availability of guns in the home. In my own mind, this is no longer a matter of serious debate. I would be happy to respond to questions on it and take a moment to talk about changes with regard to the availability of guns for defense on the street.

As for street crimes, as we have heard already today, several States have responded to increasing rates of firearm violence by making it easier for persons to keep guns readily available outside the home. This has generally been accomplished by the passage of shall issue laws, such as the one in Florida, and successor laws in Oregon, Mississippi, and elsewhere.

At the State level there is an indication that gun homicide rates, or gun homicide numbers decrease after such laws are passed. Not to take away from that potential real effect, I don't think the final answers are available.

I would mention a report generated by researchers at the University of Maryland, who looked more finely at the effect of this law on violence in major cities in Florida, Oregon, and Mississippi. In their study cities, in most of their study cities, the numbers of gun homicides increased—did not decrease but increased—after the laws were adopted. And for all their study cities, taken together, there was an average 26 percent increase in the rate of gun homicide.

They suggest that, among other possible explanations for these seemingly discrepant findings, it may be that statewide analysis ignores very important local effects; that the effect of such a statute may be in one direction in the cities and in another direction in other environments. It has also been suggested in this same context that encouraging the legal carrying of concealed weapons may lead to increases in illegal weapons use.

And here again I will make reference to Dr. Wright, who has proposed, along with his colleagues—this is not a quote, this is a summary—that there is an association between a young person's exposure to peers or adults who carry weapons for protection and that same young person's later risk for serious crime. Wright and colleagues found that 62 percent of incarcerated juveniles came from families in which male relatives routinely carried guns outside the home. And 9 out of 10 of these incarcerated juveniles had friends or associates who carried guns routinely. In a controlled population of students from the same area from which these incarcerated juveniles had come, such exposure was much less common.

And there is evidence that, in contrast to efforts to make guns more available outside the home, programs designed to reduce

street gun carrying may be effective. One early example is the Bartley-Fox amendment in Massachusetts, establishing mandatory incarceration for the carrying of unlicensed firearms.

According to Professor Wright, and I do quote here, this statute had a "moderate deterrent effect" on armed robberies and there was also noted a decline in gun homicides. And, more recently, as I think we are all aware, the law enforcement and criminal justice communities have attached great importance to the Kansas City Gun Experiment, which as we meet today is being replicated widely around the country. In 1992, and early 1993, a target area in Kansas City was selected for extra patrol hours dedicated to the seizure and confiscation of firearms. In the target area, the rate of gun seizures increased substantially and the rate of gun crimes was reduced by nearly 50 percent. In a similar neighborhood elsewhere in Kansas City, where this intervention was not undertaken, there were no such changes.

In the written statement I cite some other examples of the effectiveness of efforts to reduce easy availability of firearms and I will pass over those, and simply say at this point that we clearly have discrepant findings. There is certainly opinion that liberalizing access to guns for defense works; there is a body of evidence to suggest that it is counterproductive.

It is worth spending a moment to consider why these discrepancies might arise, and I will mention here some of the assumptions that underlie shall issue laws and other attempts to deter gun violence by making guns more available.

One of these assumptions is that gun owners can neatly be divided into two groups, and we have heard this done a number of times here today. On the one hand there are, law-abiding gun owners, taken to mean people who do not engage in criminal activities and who would use their firearms only in a responsible manner. On the other hand there are bad guys, people who acquire and use firearms for criminal purposes.

It has long been recognized that this neat division is, in fact, a fantasy. An earlier study by criminologist Philip Cook of attempts to restrict access to handguns notes that a considerable fraction of people who commit violent crimes are legally entitled to own guns.

This is not an abstract consideration. Under current Federal law, an extensive criminal record that does not involve a felony conviction does not, with rare exceptions, constitute grounds for denying an individual the purchase of a handgun. Under present and under contemplated efforts to expand the legal carrying of handguns, such persons would also be granted the right to carry guns on the street.

Let me ask you to consider the following cases: Case No. 1, a 30-year-old male with a history of arrest for assault with a deadly weapon on two separate occasions, and arrests for cruelty to children, battery, disturbing the peace, and vandalism. Case No. 2, a 26-year-old male with a history of arrest for battery.

These are not hypothetical cases. Each of these persons qualifies under current Federal law as a law-abiding gun owner in that they do not have a felony conviction or any of the other attributes that would disqualify them from handgun purchase. And, in fact, each

of these persons legally purchased a handgun after passing a criminal records background check.

In fact, I might mention that in States that have background checks in place, as many as 20 percent of persons who make application to purchase handguns have some sort of criminal history at that time. But to return to my two cases, let me give you now the history of these two gentlemen after their legal gun purchase.

In case No. 1, charges of possession of a machinegun, drunk driving, narcotics offenses on multiple occasions, attempted murder twice, first degree murder twice, and convictions for voluntary manslaughter, multiple narcotics offenses, attempted murder with a firearm, and two counts of first degree murder.

In the second case, charges of burglary three times, grand theft twice, auto theft, narcotics offenses, robbery twice, battery by a prisoner, kidnapping to commit robbery with the use of a gun three times, receiving stolen property, and other offenses. Convictions for burglary twice, narcotics offenses, robbery, battery by a prisoner, kidnapping to commit murder while armed with a firearm on two occasions, and robbery with a firearm.

Clearly, persons whose history suggests that they are at high risk for committing violent crimes and who do in fact commit such crimes can buy handguns legally under current law, and under shall issue statutes such persons now have access to concealed weapons permits on demand. Moreover, the Department of Justice in its 1991 State Survey of Prison Inmates indicated from the survey that more than 25 percent of these incarcerated gun criminals stated that they had purchased their most recent handgun at a retail outlet. For first time offenders, this increased to 40 percent.

A second assumption, one that we have heard today, has been that liberalized concealed gun carrying will deter crime because criminals would prefer not to confront potential victims who are armed. That is plausible. I think, on balance, that makes sense. But the story, I believe, is simply not that straightforward.

Professor Wright's data from his well-known survey of convicted felons reinforces that conclusion with the finding that most of his respondents agreed that, a criminal is not going to mess around with a victim he knows is armed with a gun. Yet, those same respondents listed as their No. 2 reason for acquiring guns themselves in conducting criminal activity, the fact that there is always a chance my victim would be armed.

Just as there are people who, even though currently entitled to purchase handguns legally, and in many States thereafter to acquire concealed weapons permits, who we would probably consider not capable of making solely responsible use of guns, so it can be argued that there are guns that are less suited than others for defensive use. One might consider, for example, the poorly made, easily concealable handguns that used to carry the nickname Saturday-night specials. As a clinician, I find myself moving away from that nickname cause it ain't a Saturday night phenomenon anymore.

Gun Tests, for example, a highly reputable gun magazine, says of one popular handgun in this class that its unreliability defeats the purpose of a gun made for personal defense. And other guns

in this class receive similar evaluations. Yet they continue to be marketed primarily as a means of personal or household protection.

Compounding their less-than-average utility as a means of defense, these same guns also figure disproportionately in firearm violence. In California, where most of these guns are now produced, 8 of the top 10 guns confiscated in a criminal context by local law enforcement agencies are poorly made, easily concealable pistols. In a special analysis of BATF tracing data, which took into account the number of handguns of varying types in circulation, these poorly made, easily concealable guns were found to be more than three times as likely to appear in the BATF tracing database than were guns from such major manufacturers as Smith & Wesson, Colt, and Sturm Ruger.

The special tragedy associated with these guns is that their low cost makes them particularly accessible to juvenile offenders, a group about which we have heard much today. One observer calls these starter set guns. An illicit New York City dealer in these guns told the Wall Street Journal, here where I live, every young kid has a .22 or a .25. It's like their first Pampers.

Disagreement remains over the relative criminal and defensive utilities of other types of handguns. I will not go into that in detail here. It is in my written statement.

And I would conclude by saying that it appears certainly that a high prevalence of gun ownership has not resulted in a decrease in gun violence. While there are without doubt instances of the legitimate defensive use of firearms, these are much less frequent than firearm crimes, and it appears that there are subpopulations both of people and of firearms that appear to be at increased use for use in firearm violence.

Thank you very much for the opportunity to testify.

Mr. SCHIFF. Thank you.

[The prepared statement of Dr. Wintemute follows:]

PREPARED STATEMENT OF GAREN J. WINTEMUTE, M.D., M.P.H., DIRECTOR, VIOLENCE
PREVENTION RESEARCH PROGRAM, UNIVERSITY OF CALIFORNIA, DAVIS

Mr. Chairman and members, thank you for the opportunity to testify today. My name is Garen Wintemute. I am Director of the Violence Prevention Research Program at the University of California, Davis. I also teach and practice emergency medicine in one of the busiest trauma centers in the western United States. I therefore speak to you today as both a researcher and a clinician with an interest in firearm violence and its prevention.

In considering public policy regarding the defensive use of firearms, it seems most appropriate to proceed by answering the following three questions. First, has the current widespread availability of firearms resulted in lower rates of firearm violence? Second, are there instances in which firearms are used in a legitimate defensive matter? Third, would increasing access to firearms and encouraging their ready availability for defensive use lead to higher or lower rates of firearm violence and other forms of crime?

I would like briefly to review the evidence on each of these points.

FIREARMS AND FIREARM VIOLENCE TODAY

In 1995, it is estimated that there may be 200 million firearms in circulation in the United States. In 1993, domestic manufacturers produced more than 5 million firearms including 2.8 million handguns. Since 1974, U.S. manufacturers have produced more than 89 million firearms, including 39 million handguns. Firearms are widely available throughout the United States; the National Opinion Research Center reports that over 40% of U.S. households own at least one firearm, and at least 30% own one or more handguns.

However, rates of firearm violence have steadily been increasing. In 1993 there were

an estimated 40,230 firearm deaths. It is estimated that in 1994, firearms surpassed motor vehicles as the nation's leading cause of death from trauma.

The Department of Justice estimates that there were 931,000 violent crimes committed with handguns alone in 1992, establishing an all-time record (4.5 crimes per 1,000 people age 12 or older) for nonfatal handgun victimizations. Further, the Department of Justice estimates that during the years 1987-1992 there were each year on average 161,000 firearm crimes resulting in an injury or death. From 1987 to 1992 the number of gun homicides increased 36%, while the number of homicides without guns actually decreased 8%; the number of firearm robberies increased by 59% (4 times the rate of increase in robberies without firearms); and the number of aggravated assaults with firearms increased by 52% (twice the rate of increase in assaults without firearms).

Fortunately, relatively few violent crimes involving the use of a firearm actually result in an injury. Again according to the Department of Justice, a gun is actually fired in less than 20% of violent gun crimes, and in only 20% of those cases does an injury result. Nonetheless, the costs of firearm injuries are substantial. It has been estimated that the aggregate costs of these injuries in 1990 was \$20.4 billion, including approximately \$1.4 billion for medical care. At least 80% of the medical care costs are borne by public funds.

We are all well aware that the risk of being the victim of a gun crime is not spread evenly across our population. While the overall rate of non-fatal handgun victimization in the United States in 1992 was 4.5 crimes per 1,000 people aged 12 or older, the victimization rate for males ages 16-19 was 14.2 per 1,000 people, and for black males ages 16-19 was 39.7 per 1,000 people. Over the past 10 years, there have been substantial increases in risk

of being the victim of a violent crime among young persons under 25 years of age. But for persons 25 years of age or older, violent crime victimization rates have not increased.

There is similar variation in the risk of dying from firearm violence. Over the 10 year period 1984-1993, the risk of a firearm death actually decreased for persons ages 35-74, but increased by 80% for persons ages 15-24 and by nearly 40% for persons ages 0-14. Most dramatically, the firearm-related death rate for black males ages 15-24, always higher than that for other young adults, increased more than 3-fold from 1984 to 1993 to a rate of 176.8 per 1,000,000 persons. This is more than 11 times higher than the rate for the population as a whole, which was 15.6 per 1,000,000 persons. By 1993, firearms accounted for 27% of all deaths -- not all injury deaths, but all deaths from all causes -- among white males ages 15-24, and a remarkable 63% of all deaths among black males ages 15-24.

Sadly, high rates of deaths and injuries from firearm violence are not always seen as a matter for concern. In this context I quote a then-senior official of the National Rifle Association, writing in the magazine *Guns & Ammo* in 1991: "[T]he consensus is that no more than 5 to 10 people in a 100 who die by gunfire in Los Angeles are any loss to society. These people fight small wars amongst themselves. It would seem a valid social service to keep them well supplied with ammunition."

INCIDENCE OF DEFENSIVE USE OF FIREARMS

Today, nearly two-thirds (62%) of Americans describe themselves as "truly desperate"

about crime and their personal safety. In that desperation, almost two-thirds (62%) of Americans feel that the need to have a gun for personal protection is increasing. Yet at the same time, an essentially identical 61% of Americans feel that the ready availability of guns has contributed "a great deal" to rates of violence. And less than half of gun owners believe that having a gun makes them safer from crime.

Herein lies the difficult question that is at the heart of the matter we are discussing today: Is ready availability of guns at home and on the street part of the problem, part of the solution, or both?

We have come generally to recognize that, for at least some parts of our population, the use of firearms for protection is part of the problem. For example, few Americans would consider it a positive phenomenon that, as determined by criminologist James Wright and colleagues, 22% of inner-city high school students have guns and 35% of students usually or sometimes carry guns.

These students overwhelmingly cite the need for protection as their motivation for gun carrying. Their concerns are real. Nearly half the students in Professor Wright's survey (45%) had been threatened with a gun or shot at on the way to or from school in recent years; a question including incidents at other times during the day would have undoubtedly yielded higher figures. In another study of inner-city students, those who had been threatened or attacked with a gun were more than 3 times as likely as others to carry a gun for protection.

Studies of the general population of gun owners report that guns are frequently kept easily accessible for defensive use. More than half of gun owners have at least one gun stored loaded, and more than half keep one or more guns not locked up; at least 20% report keeping

a loaded gun readily available and not locked away. Gun carrying is also widespread. In one national survey of gun owners, nearly half (42%) of the 369 persons who reported handgun ownership stated that they carried their handgun with them at least occasionally.

One key question is: How often are guns used for legitimate defensive purposes? There are many instances each year in which people make defensive use of firearms in ways that all of us would consider to be beneficial. But estimates of the number of times this occurs vary widely.

The best source of such information is the National Crime Victimization Survey, conducted by the Bureau of the Census for the Bureau of Justice Statistics. It is a sample of 59,000 housing units in the United States. Making use of these data, researchers estimate that during the years 1987-1992 there were on average 62,200 persons who used firearms to defend themselves. About 20% of these are law enforcement officers acting in the line of duty, reducing the annual estimate of the civilian defensive use of firearms to about 50,000 cases per year. Another 20,300 persons each year used a firearm to defend their property from theft.

A much higher and widely quoted estimate, in the neighborhood of 1 million instances of defensive use per year, was generated by Gary Kleck of Florida State University. The size of the discrepancy makes it important to consider its sources. Professor Kleck made use of data from a public opinion poll of less than 1300 registered voters who were asked the following question: "Within the past five years, have you, yourself, or another member of your household used a handgun, even if it was not fired, for self protection or for the protection of property at home, work, or elsewhere, excluding military service and police

security work?" Four percent of respondents (49 persons) responded "yes" to this question. The Kleck estimate is believed to have two significant flaws. First, the general nature of the question does not exclude such uses of a firearm as carrying it in one's car or in one's pocket as protective use. A more proper question would restrict affirmative answers to instances of actual deployment of the gun to prevent or abort the commission of a crime that would otherwise have occurred. Second, the very small sample exposes the estimate to a large variance.

Professor Kleck revised his first estimate based on a survey conducted by him of approximately 5,000 randomly selected households in the continental United States. Based on an affirmative answer from 1.33% of respondents -- again about 50 people -- the resulting estimate of overall defensive use increased to as many as 2.4 million cases of defensive use of firearms.

Our best estimate then is that, considering civilians and law enforcement personnel together, approximately 82,000 persons use firearms each year in defense of person or property. This considerable incidence of defensive use must, however, be put in the balance against an annual toll estimated at over 40,000 firearms deaths, 280,000 nonfatal firearm injuries (including both intentional and unintentional shootings), and over 900,000 violent crimes involving handguns alone.

LIKELY EFFECTS OF INCREASED AVAILABILITY OF GUNS FOR DEFENSIVE USE

The assessment of the net benefits and costs of defensive use of firearms, considered at the level of the individual, is a subject of very active ongoing research. It may be that the answer to the question differs with whether we are considering violence in the home or violence on the street.

Defensive use of a firearm appears to modify the outcome of a violent crime, but the overall effect is unclear. The Department of Justice reports that 20% of persons using a firearm to defend themselves suffered an injury, compared with nearly half of those using another or no weapon. However, the authors urge that "care should be used in interpreting these data" because other important factors are not included in the analysis. In particular, many of these events involve law enforcement personnel; the findings may not extend to civilians.

And a different picture emerges when both fatal and nonfatal injuries are considered. In one study of robbery, active resistance is associated with a risk for death approximately 14 times greater than seen with other responses. This rises to a 49-fold increase in risk in the case of commercial robbery. The particular importance of this is that robbery is the stranger-to-stranger crime responsible for about 75% of felony killings in the United States.

In addition, the ready availability of guns purchased for protection appears to provide a major source of weaponry for criminals. As Professor Wright has put it, "The approximately 72 million handguns currently possessed by legitimate private owners represent

a potentially rich source for criminal handgun acquisition." This conclusion is based on his finding that, in his study of incarcerated juvenile offenders, direct theft constituted an important source of gun acquisition. More than half of his sample of juvenile inmates had stolen at least one gun during their criminal careers. Many other guns acquired by his survey respondents by means other than theft had undoubtedly been stolen at some earlier time. Perhaps the highest estimate of the importance of theft as a source of criminal handguns comes from Professor Wright's survey of incarcerated adult felons. He found that as many as 70% of the most recent handguns owned by this group were stolen.

The Department of Justice has estimated that 341,000 guns are stolen in the United States each year. This is widely believed to be an underestimate; the California Department of Justice estimates that there are 100,000 guns stolen in that state alone each year (CDOJ). While there have been well publicized cases involving the theft of thousands of guns from manufacturers, nearly two-thirds (64%) of gun thefts occur during household burglaries

Let us consider violence in the home as a function defensive use of guns. If a gun is to be useful for protection, it must be readily available and loaded or capable of being loaded in a very short time. Any other circumstance would defeat much of its utility. In the home, this results in the common practice of storing one or more firearms loaded and not locked away. Gun owners who keep a gun for protection are more than twice as likely as others to store a gun both loaded and unlocked. This behavior does not appear to be amenable by modification by gun safety training; in fact, gun owners who have received firearm safety training are more likely than others to store a gun in this manner

There is probably no longer grounds for serious debate over whether this storage

pattern increases or decreases risk for a violent death in the home. In the case of accidental shootings, many studies have established that this storage pattern allows children to acquire loaded guns, too often with tragic results. Young children may not be able to distinguish between real guns and toys, and even if they are may not appreciate the fatal consequences of gun play.

More telling evidence comes from a series of careful field studies conducted by Dr. Arthur Kellermann and his associates. These researchers obtained very detailed data on persons who had died from a gun homicide or suicide in the home, and compared this information with data obtained from representatives of persons living in the same neighborhood who had not suffered such a death. Dr. Kellermann's careful analysis took into consideration other factors known to be associated with risk for violent death in the home, such as alcohol and other drug use, a history of violence, and a history of mental illness. After adjusting for a multitude of such factors, these researchers found that possession of a gun in the home was associated with a 2.7-fold increase in risk for a gun homicide and a 4.8-fold increase in risk for death from gun suicide. Gun ownership was not associated with an increase in risk from homicide or suicide by other methods. In the case of suicide, where a more detailed analysis was possible, risk was further increased by ownership of a handgun, by keeping any gun loaded as opposed to keeping all guns unloaded, and by keeping any gun unlocked as opposed to keeping all guns locked up.

In one study of domestic violence resulting in assault, violence involving firearms was 12 times as likely to result in death as was assaultive violence involving any other weapon or bodily force. The importance of easily available firearms in aggravating domestic violence is

reflected by the fact that the overall risk of homicide for women is substantially lower than that for men, their risk of being killed by a spouse or intimate acquaintance is higher. In particular, more than twice as many women are shot and killed by their husband or intimate acquaintance than are murdered by strangers using any method at all.

Violence in the home, whether assaultive or self-directed, is most often impulsive. Frequently, one or more participants is intoxicated. Recourse is made to whatever weapon is at hand. If that weapon is a firearm, the consequences of the incident are much more likely to be a serious or fatal injury than if any other weapon had been chosen.

As for street crimes, several states have responded to increasing rates of firearm violence by making it easier for persons to keep guns readily available outside the home. This has generally been accomplished by making permits to carry concealed firearms available on demand to all persons who meet the requirements for handgun ownership. Such measures are known as shall-issue laws. The state of Florida adopted such a law in 1987. More than 100,000 persons acquired concealed weapons permits as a result. In addition, Oregon and Mississippi have adopted such statutes more recently. The Florida law has been described as a success, but on closer scrutiny the case is much less clear.

Researchers at the University of Maryland have recently conducted a careful analysis of all three laws, basing their study on homicide statistics for major cities in these states. In most study cities numbers of gun homicides *increased* after the laws were adopted; for the five study cities taken together there was a 26% increase in the rate of gun homicide in the follow-up period. At the same time, the mean rate of homicide by other methods was unchanged. The authors of the report were aware of Florida's widely-reported 21% decrease

in homicide from 1987 to 1992, but noted several flaws in that comparison. Most importantly, no data were available for the first year after the law took effect, and data for the state as a whole might, the authors suggested, miss important local effects.

It has been suggested that encouragement for legal carrying of concealed weapons may also lead to increases in illegal weapon use. As one example, Wright and colleagues propose an association between a young person's exposure to peers or adults who carry weapons for protection and that young person's later risk for serious crime. They found that 62% of incarcerated juveniles came from families in which male relatives routinely carried guns outside the home; nine of ten inmates had friends and associates who carried guns routinely. Such exposure was less common in their sample of inner-city high school students, but still quite common.

Other jurisdictions have adopted related measures. Perhaps the most extreme example is that of the town of Kennesaw, Georgia, which in 1982 passed a law requiring every household in the city to maintain a firearm. Professor Kleck reported that residential burglaries decreased 89% in Kennesaw in the first seven months after the law was enacted. If one examines crime rates over a longer period of time, however, it can be seen that no affect attributable to the statute is discernable; the decrease from 1981 to 1982 is the artifact of an unusually high number of burglaries in 1981.

And there is evidence that, in contrast to efforts to make guns more available outside the home, programs designed to reduce street gun carrying may be very effective. An early example is the Bartley - Fox amendment in Massachusetts, which established mandatory incarceration for carrying of unlicensed firearms. In Professor Wright's judgement, the statute

had a "moderate deterrent effect on armed robberies; there was also a slight decline in gun homicides.

Recently, the law enforcement and criminal justice communities have attached great importance to the Kansas City gun experiment, an innovative crime control program that is already being replicated around the country. In 1992 and early 1993, a target area in Kansas City was selected for extra patrol hours dedicated to the seizure and confiscation of firearms. In the target area, the rate of gun seizures increased substantially, and the rate of gun crimes was reduced by nearly 50%. In a control area of Kansas City, which was generally similar but in which the special patrols were not conducted, gun crime was unchanged. Twenty-one percent of the confiscated guns were in plain view, 45% were retrieved incident to an arrest for other reasons, and 34% were confiscated as a result of a frisk for safety. The number of guns found during car checks was nearly tripled.

The authors acknowledge that only a small proportion of the likely number of handguns in Kansas City was seized as a result of this program. But they emphasize that the increased patrol activity and seizures occurred in places that were known to be at high risk for gun violence, may well have targeted high risk offenders by focusing on those carrying guns readily available, and -- perhaps most importantly -- may have had a global deterrent effect.

And other evidence suggests there is substantial evidence that efforts to reduce the availability of firearms, whether among persons thought to be at high risk for firearm violence or across entire populations, can produce substantial decreases in firearm violence. I will cite a few examples.

In 1976, the District of Columbia adopted a statute prohibiting the purchase, sale,

transfer, or possession of handguns by civilians, unless the handgun was previously owned and had been registered. Despite cases in which persons illegally transported into the District guns purchased elsewhere, the passage of the statute was followed by an abrupt 25% decline in firearm homicide and a 23% drop in firearm suicide. There were no similar reductions (or for that matter, compensatory increases) in homicide or suicide committed by other methods, and there were not similar reductions in the adjacent metropolitan areas of Maryland and Virginia. This effect persisted for 10 years. The authors estimated that the statute prevented an average of 47 deaths each year after its implementation.

A second evaluation compared firearm violence rates in the cities of Seattle, Washington and Vancouver, British Columbia. These two cities are only 150 miles apart and have similar populations. Legal access to handguns is substantially easier in Seattle than in Vancouver -- a difference in law that is accompanied by measurable differences in rates of handgun ownership. The evaluators hypothesized that the result of this difference would be a specific increase in rates of firearm crime in Seattle. The rate of aggravated assault with firearms was nearly 8 times higher in Seattle than in Vancouver, although the rates of aggravated assault involving other weapons were identical. A 60% relative increase in the homicide rate in Seattle was associated entirely with a 5-fold increase in the firearm homicide rate in that city. The increase in firearm homicides in turn was shown to be due entirely to an increase in homicide by handgun.

This study has been criticized for the fact that the differences in crime rates were largely seen in the minority populations of the two cities. Crime rates among white citizens of both Seattle and Vancouver were relatively low. However, it is one thing to say that

differences in such a study affect only part of the study populations, and quite another to say that therefore these differences are of no importance.

Given these findings, it is important to examine the central assumptions underlying shall-issue laws and other attempts to deter gun violence by making guns more available.

One of these assumptions, rarely expressed, is that gun owners can be neatly divided into two groups. On the one hand, there are "law-abiding gun owners:" people who do not engage in criminal activity and would use their firearms only in a responsible manner. On the other hand, there are "bad guys:" people who acquire and use firearms for criminal purposes. It has long been recognized that this neat division is a fantasy. An earlier study of attempts to restrict access to handguns notes that "a considerable fraction of people who commit violent crimes are legally entitled to own guns."

Under current federal law, an extensive criminal record that does not involve a felony conviction does not, with rare exceptions, constitute grounds for denying an individual the purchase of a handgun. Under present and contemplated efforts to expand legal carrying of handguns, such persons would also be granted the right to carry guns on the street.

Consider the following cases:

- Case #1. A 30 year old male with a history of arrest for assault with a deadly weapon (twice), cruelty to children, battery, disturbing the peace, and vandalism.
- Case #2. A 26 year old male with a history of arrest for battery.
- Case #3. A 23 year old male with a history of arrest for disturbing the peace.

Case #4. A 24 year old male with a history of arrests for vehicle theft and drunk driving.

These are not hypothetical cases. Each of these persons qualifies under current federal law as a "law abiding gun owner," in that they do not have a felony conviction or any of the other attributes that would disqualify them from handgun purchase. In fact, each of these persons legally purchased a handgun after passing a criminal records background check.

Their subsequent criminal history follows:

Case #1. Charges of possession of a machine gun, drunk driving, narcotics offenses, attempted murder (twice) and first degree murder (twice). Convictions for voluntary manslaughter, narcotics offenses, attempted murder with a firearm, and two counts of first degree murder.

Case #2. Charges of burglary (three times), grand theft (twice), auto theft, narcotics offenses, robbery (twice), battery by a prisoner, kidnapping to commit robbery with use of a gun (three times), receiving stolen property, and other offenses. Convictions for burglary (twice), narcotics offenses, robbery, battery by a prisoner, kidnapping to commit robbery while armed with a firearm (twice), and robbery with a firearm.

Case #3. Charges of murder, burglary, voluntary manslaughter with a gun, attempted robbery and narcotics offenses. Conviction for voluntary manslaughter with a gun.

Case #4. Charges of robbery, burglary with use of a firearm, assault with a deadly weapon, cruelty to animals, sexual battery, and sexual offenses with children (seven counts). Convictions for burglary with use of a firearm, cruelty to animals, and multiple counts of sexual abuse of children.

Clearly, persons whose histories suggest that they are at high risk for committing violent crimes, and who do in fact commit such crimes, can buy handguns legally under current law. Moreover, in Department of Justice 1991 State Survey of Prison Inmates, more than 25% of gun criminals indicated that they had purchased their most recent handgun at a retail outlet. For first time offenders this increased to 40%.

Yet there are data to suggest that waiting periods and background checks are effective. Of 18 states conducting background checks prior to the recent federal mandate, 11 reporting states had denied 21,000 gun purchases in 1993 as a result of criminal - record checks. More than half the state prison inmates who got their most recent handgun from an illegal source had cited concerns about a background check or waiting period for not buying their gun from a licensed dealer. And evidence of the effectiveness of these programs on crime rates is available from the University of Maryland study of concealed weapon statutes discussed earlier. In their study cities, where increased access to guns outside the home resulted in a 26% increase in gun homicide, the institution of waiting period and background check laws resulted in a statistically significant decrease in gun homicide.

A second assumption has been that liberalizing concealed gun carrying will deter crime because criminals would prefer not to confront potential victims who are armed. Or, as it has

been put more colloquially, "An armed society is a polite society." This seems plausible, and is reenforced by data from Professor Wright's survey of convicted felons, in which more than half of respondents agree with the statement that "a criminal is not going to mess around with a victim he knows is armed with a gun." Yet in that same survey, the statement "There's always a chance my victim would be armed" was the second most important reason these criminals armed themselves to commit crimes.

Just as all people, including all people now legally able to buy guns, should not be considered capable of responsible defensive gun use, so it is the case all classes of guns cannot be considered equally suitable for defensive use.

Few responsible observers would advance the argument that submachine guns or high-capacity semiautomatic rifles or pistols are suitable for close-quarter defensive use by civilians. Many of these so-called "assault weapons" are not designed for great accuracy and are designed for high rates of fire, characteristics that can work synergistically to increase the number of stray rounds fired. Particularly in the case of rifles, it is likely that these rounds will penetrate walls of buildings or travel long distances and strike unintended victims.

At the other end of the technology spectrum, the production and marketing of poorly made, easily concealable handguns as a method of personal or household protection is perhaps the healthiest segment of the entire firearm industry. Yet many of these guns, which have the characteristics associated with the nickname "Saturday Night Special," are considered by industry experts to be highly unreliable. *Gun Tests*, a highly reputable gun magazine, says of a popular handgun in this class that its unreliability "defeats the purpose of a gun made for personal defense." Other guns in this class receive similar evaluations. Yet

these guns are promoted mainly as a means of personal and household protection. In addition, it is often argued that the low cost of these guns makes them particularly valuable, in that they are then available to consumers in economically disadvantaged, high-crime neighborhoods.

Let me pose a hypothetical case. A resident of such a neighborhood, aware of reports of violent crime in his area, purchases one of these handguns for personal protection. A few nights later, he hears an intruder entering the front of his house while he is in bed. Prior to acquiring the gun, our hypothetical resident might have fled out the back of the house. Now armed, however, he confronts the intruder, who turns and raises a gun of his own. Our resident pulls the trigger on his poorly-made gun, and it misfires. A preventable homicide may well be the result.

Compounding their less-than-average utility as a means of defense, these same guns also figure disproportionately in firearm violence. In California, where most of these guns are produced, eight of the top ten guns confiscated in a criminal context by local law enforcement agencies are poorly-made, easily concealable pistols. Similar results have been reported from around the country, and these same guns also dominate the roster of firearms submitted for tracing by local law enforcement agencies to the Bureau of Alcohol, Tobacco and Firearms (BATF). In a special analysis of these data, which took into account the number of handguns of varying types in circulation, these poorly-made, easily concealable guns were found to be more than three times as likely as guns from such major manufacturers as Smith & Wesson, Colt, and Ruger to be submitted to BATF for tracing.

The special tragedy associated with these guns is that their low cost makes them particularly accessible to juvenile offenders. One observer calls them "starter set" guns. An

illicit New York City dealer in these guns told a *Wall Street Journal* reporter, "Here where I live, every young kid has a .22 or .25. It's like their first Pampers."

Criminal use of these guns is facilitated by their small size, which results in increased concealability. Concealability is among the features most sought after by criminals in their choice of guns. In a Florida study, convicted felons were five times as likely as gun owners in the general population to report ownership of a handgun with a barrel length of three inches or less.

Disagreement remains over the relative criminal utility of other types of handguns. Gun confiscation studies repeatedly are predominated by the easily concealable, small caliber handguns described above. Surveys of incarcerated felons show that, given the choice, these serious criminals express a preference for high caliber, well made accurate guns. Professor Wright, author of one such report, recognizes that studies of incarcerated felons "cannot pretend to be representative of all criminals---the sample is biased in favor of persons with longer and more violent careers in crime. If, as seems likely, one-time, less violent, and/or juvenile offenders prefer smaller armament than are more serious' felons prefer, than the [confiscation study] findings---may well be more accurate as a depiction of the 'typical' crime handgun."

CONCLUSION

A high prevalence of gun ownership has not resulted in a decrease in gun violence. To the contrary, rates of gun violence appear to be increasing disproportionately. While there

are without doubt instances of legitimate defensive use of firearms, these are much less frequent than firearm crimes. There is no reliable evidence that encouraging the easy availability of guns will reduce rates of firearm violence, and there is strong suggestive evidence that the opposite might occur. In particular, there are subpopulations of those currently able to buy guns legally who appear to be at increased risk for firearm violence. In addition, there are subcategories of firearms that, although marketed in part for this purpose, appear to be ill suited for defensive use.

Thank you very much again for this opportunity to testify.

Mr. SCHIFF. Mrs. White-Bowden, please.

STATEMENT OF SUSAN WHITE-BOWDEN, FINKSBURG, MD

Mrs. WHITE-BOWDEN. It is Bowden.

Mr. SCHIFF. I am sorry. Thank you for that correction.

Mrs. WHITE-BOWDEN. Doesn't matter to me, but it does to my husband.

I am here to address the theory that homes are safer when there is a gun or guns in the home for protection.

In 1974, my ex-husband, we were divorced at the time, came home to my home, to his former home, seeking a reconciliation and when I couldn't give it to him, he went upstairs and took the handgun that he had kept in the bedside table drawer out of the drawer and shot and killed himself.

I was not uncomfortable with guns in the home because I grew up around guns. My father was a hunter and a trap shooter. I even went hunting with him; goose hunting and duck hunting on the Eastern Shore. The guns in the den, on the wall in the den, were like the draperies at the window. They did not make me uncomfortable.

Our family went on: three children, two daughters, and a son. The guns remained in my home. Two-and-a-half years later, when my 17-year-old son was having trouble with his girlfriend, he took one of those guns and he, too, killed himself. There are no guns in my home now.

I did not believe that that could happen again, because I believed naively that when a suicide occurs in a family, the family members are less likely to commit suicide, because they have seen the pain. I now understand that where a family experiences suicide, they are more likely, more vulnerable, and so one must be more careful. I also now realize that when there are guns in homes, the family members are much more likely to be harmed by those guns than an outside intruder coming in to do harm to those family members.

In the 18 years, almost 18 years May 9, since my son's death, I have spoken out to parents and teenagers and worked hard to try to make people be aware that this can happen. But it need not, it can be prevented. I have talked to many, many people who have experienced the same kind of tragedy, the tragedy of a child picking up a gun that was in the home for protection and killing themselves.

I know a couple whose 15-year-old son and only child came home from school with a poor report card, put the report card down on the kitchen counter and picked up his father's gun and killed himself. Over and over again it happens. These are not seriously depressed kids. They are not mentally ill. They are kids in crisis at that moment. And to have a gun available when there are children in the house, I think, is very foolish.

The only possible protection a gun can provide is if it is loaded and at hand. If it is locked away, a teenager knows where that key is. If the ammunition and the gun are separated, what are you going to do when the burglar comes in, say wait a minute, Mr. Burglar, until I load my gun? The only way it can possibly do you any good for protection is if it is kept loaded and at hand. And then you have the possibility of a young child getting it, playing with it,

causing an accident, death, or a troubled teen picking that gun up at that moment of depression or desperation and killing themselves.

I know that there are those of you who think I don't even belong at this hearing; that suicides cannot be prevented, and that is not what we are addressing. Suicides can be prevented, especially among our young people. We are teaching our children to be violent. We are saying it is all right to have guns, to go after our fellow man, to kill ourselves. Violence is not a way of life, it is a way of death. I think we need to face the fact that guns do kill. When are we going to recognize that? It is just who they kill and when.

I did not come to Washington to change laws, because I know I am not going to do that. I don't think I am probably going to even change minds, but I am hoping that anybody that hears my voice today, including the members of this committee, will think long and hard about having a gun in your house and, if you do, and have children or grandchildren, clearly understand that there is the possibility of the most devastating pain anybody could ever experience. Not only the pain of losing a child that you love so dearly, but the pain of living with the knowledge every day of your life that if there had not been a gun in that house, if you had not kept a gun in that house, that child would be alive today. And I believe that.

I now have six grandchildren. I would be killed at the hand of a robber six times over before I would allow any guns near any of those children, because I know it can happen again, and I will never kid myself and think it could not because it is happening every day in this country over and over again. There are too many guns, period.

Mr. SCHIFF. Thank you, Mrs. White-Bowden.

[The prepared statement of Mrs. White-Bowden follows:]

PREPARED STATEMENT OF SUSAN WHITE-BOWDEN, FINKSBURG, MD

November 20, 1974 ex-husband (John O'Donnell White) used a hand gun, that was kept in his bedside table drawer for protection, to commit suicide.

May 9, 1977 seventeen-year-old son, John O'Donnell White, Jr. (JOJOY), having problems with his girl friend, copied his father's example and tried to escape the pain of his problems by killing himself with one of the guns still kept in our home at that time.

I grew up in family where guns were used for sport and recreation, and so initially I was not uncomfortable having guns in my house - although I must say, looking back, that hand gun in the bedside drawer always made me nervous and a little anxious.

After my former husband's death I never dreamed that such a tragic event could ever occur again in our family. I thought that because we had experienced the pain that suicide causes that none of us would ever want to bring about a repeat of such devastation to those we loved and who loved us. I now know that people thinking about suicide don't consider other people and that when a suicide occurs in a family those family members are more vulnerable then before, because of the example that has been set.

I also now know that when there are guns in a home the people who live there are much more likely to be injured or killed by those guns then an intruder intent on bringing about harm. I believe the statistic is six time more likely. In my house after the death of the children's father the chances increased even more.

I am testifying because I truly believe that if there had not been a gun in my house when my son was distraught he would be alive today. When guns are at hand - it is too easy to pick one up during moments of anger, or passion, or depression and take a life - that wouldn't be taken when that moment has passed.

In the almost 18-years since my son's suicide I have reached out to teens and parents through my lecturing and my books to try and prevent other such heart-breaking deaths. I have also reached out to those who have experienced the suicide of a child - it always occurs in families where they believed it could not happen to them. AND in many of the cases it happened with a gun that was kept in the house. Suicide is the second leading cause of death among young people 15 to 24 years of age. And the statistics tell us that in 1990 in the state of Maryland three times as many youth suicides were caused by gun shots than by any other method.

In one case I know about, a couple's fifteen year old son, and only child,

came home with a bad report card - he put the report card on the kitchen table picked up his fathers gun and killed himself. Another woman I've talked with was divorced - she got a hand gun for protection - for two years it sat in her bedside table drawer - she never used it - she almost forgot it was there until the day her 18-year-old son took it out and shot himself. I can site dozens of such deaths - in every case had there not been a gun in the home they probably would not have happened. These were not severely depressed, mentally ill, young people. They were kids in crisis at that moment.

There are those of you who believe suicides can't be prevented, and that to blame them on the guns is ridiculous. Suicides can be prevented, especially among troubled teens. I've also heard from dozens of them who are alive today because the instant death of a hand gun was not readily available when they decided that day, for what ever reason, that they wanted to die. The next day, or next week, or next year they realized how very much they wanted to live.

There is no such thing as a safe home, for children, with guns in that home. To lock up the guns, or separate the gun from the ammunition, makes using them for protection impossible. Besides by the time kids are teen-agers they know where the key is to the locked closet as well as knowing where the ammunition is. The only possible protection is a loaded gun at close hand, which then becomes much more dangerous for the family than anyone else.

Let me tell you, I have six grandchildren now, and there are no guns in my house. I would die at a robbers hand six times over before putting a gun near any of those children. When are we in America going to learn that guns do kill - they are not a way of life, but a way of death. Saying I'm sorry I had a gun in my house does not bring your child back to life

Mr. SCHIFF. Mr. and Mrs. Steber, I will let you decide. Mrs. Steber, you are going to go first? Please, you are recognized.

STATEMENT OF MARY STEBER

Mrs. STEBER. First, I would like to thank the committee for inviting me today, especially Mr. Schumer, for allowing Michael's story to be heard.

How do we protect our children from other people's negligence? That is the question that I have asked myself daily for the last 5 years. Other questions that have gone unanswered are: Why all the violence? Why are so many of our children dying before they have a chance to live? But the recurring question has been what can I personally do to help stop the endless slaughter of our children? Part of that answer is why I am here today.

October 14, 1989, my 14-year-old son Michael went out to play football. It was a cool, crisp autumn day in the Northeast that turned into a very stormy, thunderous night. Michael and two of his friends went inside to watch football. They were driven in by the rain. The owner of the house, the father of one of the boys, an ex-policeman, owned guns and chose to keep them loaded and stored in an unlocked shelf in his den. He was not at home that day so the boys were left unsupervised and one of them knew that there were guns in his father's closet.

I can only guess that he wanted to show off; that he wanted to be a big macho guy. His dad had allowed him to shoot the guns off before. He removed one of the six loaded guns from the closet, shot off a round, and removed the clip. He then took the gun back into the house to show it off to his friends. In his words, it just went off. Michael's last words were, you shot me.

My son was shot and killed with an unloaded gun. I wonder how many times we have to hear that plaintive wail from the child saying, I thought it was unloaded, before we do something about it. The sum total of an equation that contains easy access to a loaded firearm and a child's curiosity can only be disaster.

Any parent who has ever tried to hide Christmas presents from their kids know that the child knows every nook and cranny in their house. So the aspect of hiding a gun in order to limit the accessibility is ludicrous. Depending on the responsibility of the ideal gun owner, to always lock up his weapons, is what we can all hope for, but that would be like believing in utopia—in theory, a good idea, but not possible in reality. There would always be that one time that he forgot.

We, as a civilized country ruled by laws, regulate the safety of every product that is available to consumers, every product, that is, except firearms. It is an oxymoron I know to talk about a safe gun, because they are inherently dangerous products, designed to kill. There is, however, technology that has been developed and that can be incorporated into the basic design of guns, that gun manufacturers have chosen not to utilize. As with most things in this country, profit is unquestionably the reason.

It would indeed cost money to retool the factories. However, this cost would be passed along to the consumer. The cost in human life is just too high not to take all the necessary steps that are techno-

logically available to make a positive impact on the horrifying statistics that we have heard about today.

Each year, over 500 children die in accidental—that means preventable—shootings, and many more are seriously injured. The economic cost to this country's taxpayers runs into the hundreds of thousands of dollars annually.

These children are not expendable. Each one of them has a meaning to his or her life, goals that they hope to achieve. At a lunch shortly before Michael died, he was talking to me about one of his goals. He wasn't exactly sure what he wanted to do, but he wanted to do something that would have a positive impact on the ecology of our planet. He was talking about a diaper made from wood. I said, it needs some work, but at least you are thinking.

He was never given a chance to fulfill that goal or any of the other goals that he had set for himself. It was taken away from him by the negligence of a gun owner who allowed easy access to a loaded gun, a gun whose basic design was flawed. A simple 75-cent safety feature would have prevented the gun from firing when the clip was removed, and it would have saved our son's life.

These numbers are just an accounting of those children who die accidentally. They do not take into account the many numbers of children who find themselves having a difficult day and choose to end it all because they have easy access to a gun. They choose a permanent solution to a temporary problem, and a gun makes it too easy and therefore achievable.

Four months after Michael was shot to death, I came home from work to find four emotionally distressed teenage girls in my living room. To the girls' credit, they were there to make sure I was all right, that I wouldn't be left alone when I heard that one of Michael's best friends, one of his pallbearers, had chosen to end his life with a bullet to the heart, just the same way Michael had died. Like the proverbial pebble in a brook, the ripples grow wider and wider.

Michael was a merit student. He was an altar boy in our church. He was a Boy Scout. He was a student athlete. He had just run for president of the school student council. In essence, he was a son we would all be proud to claim as our own. He was a leader of his peers.

We, as a country, cannot continue to throw our young men away so flagrantly. If we do not place a higher value on their lives, we are going to lose our future as a leader of nations. A country's future is only as good as its children. If we continue to allow the best and brightest to be killed off, so goes our future with them.

It is our primary job, as adults, as parents, to protect our young. That is a basic instinct in all animals, in order for their species to survive. We, as humans, are not doing a very good job and it is time, indeed past time, for us to start doing better. What separates us from other animals is our ability to reason, our ability to use our intellect. We must stop making the same mistakes and effect the changes that will save American lives.

I have heard a portion of the second amendment to the Constitution quoted frequently as validation for all Americans to have the right to own firearms. I have to question the unalienable rights given to all Americans in the Bill of Rights, the rights to life, lib-

erty, and the pursuit of happiness. If by the strict adherence to one amendment we lose sight of the rights that all Americans are entitled to, is it appropriate to forget all the children that are dying needlessly and forfeiting their rights?

I ask you to look very carefully and seriously at the number of children losing their lives annually to firearms and to vote for laws that will protect these, the most vulnerable of our citizens. I ask for mandatory safety regulations on firearms. I ask for tougher laws regarding the safe storage of firearms. In essence, I ask you, our elected officials, to pass the necessary laws to make our children safe, and make their safety as your top priority.

While I strongly agree with quick and firm judgment and punishment against violent criminals, I feel it is time that we begin to act proactively instead of reactively to violence. We need to start correcting the social issues, poverty, drugs, lack of respect for authority, inadequate ways of solving conflicts, et cetera, that contribute to the criminal behavior to begin with. We need to start this in our homes, and in our schools. The lesson is: We need to reward good behavior as ardently as we punish bad behavior.

Violence breeds violence. This is not a lesson I want to teach my children or grandchildren. If we respond to violence with violence, it will only continue to escalate until we all self-destruct.

Thank you for listening to what I have had to say today, not just for myself, but for all the children who do not have a voice in these matters which will affect their lives in the future.

Mr. SCHIFF. Thank you very much, Mrs. Steber.

Mr. Steber.

STATEMENT OF MR. STEBER

Mr. STEBER. Thank you. I was glad to hear some of the discussion finally come around to protecting children because, from our point of view and, I think, the country's point of view; I think that is very important. They are our future hope, our future assets; the future belongs to them. What are we going to have to pass on to them if all these bullets keep flying?

Years ago, I brought my family down here to the District of Columbia to see the monuments and the sights. My son Michael was just a toddler then, and the Vietnam Veterans Memorial wasn't built yet. I am a Vietnam veteran myself, and I had planned to bring him back someday and stand there with him and talk to him about it, what it signifies. Instead, today he lies in a grave.

There is no memorial as to why a bullet took his life. So when I go to the memorial today, there is going to be a hollowness about it, for while the men represented there died because they faced a danger in some foreign land on a battlefield, my son died in the good old U.S.A. in a home where he should have found safety instead of a danger. He died because someone else left a dozen loaded, unlocked guns in a house, within access of children. He died because of another adult's irresponsibility, carelessness, and negligence, because of an unsafe attitude toward guns.

If safety begins at home and it is a learned behavior, then that young son was not taught anything about safety. By the father's actions in that home, he taught the son that safety didn't mean anything, apparently. He taught him by his actions it is OK to take

a gun, OK to have loaded guns around the house, OK to take it off the back porch, OK to fire it out into the river. OK, if the neighbors complained, he would settle it, that way he wouldn't get into trouble. After all, it was his property, he could do what he wanted, right?

Well, he was hurting someone. He was hurting his own son, and in the long run, that would in turn hurt—kill my son. Safety was not practiced and he didn't ensure an accident-free, safe home.

My son died because of irresponsible behavior and unsafe practices of a gun owner. He also died because of unsafe manufacturing and retailing of that gun. A simple 75-cent safety device could have been built into that handgun, as others have, and would have prevented that gun from being fired when the clip was removed. He died because there is no oversight by law, even by the Consumer Product Safety Commission. A gun certainly is a consumer product. It is bought by consumers. Why are there no controls over that? They haven't established even a basic minimum safety standard for this consumer product, a gun.

He died because there is no industry-initiated safety campaign to produce a safer product. There doesn't seem to be any interest in the gun industry as a whole to ensure that kids don't die accidentally due to a firing of a gun. Other industries do it. Why can't gun manufacturers? Car manufacturers do it, they have seat belts, safety devices, air bags, child restraints. House fires have lessened and the number of deaths have been reduced due to smoke detectors. We have less pool drownings because pool manufacturers as a group, as an industry, did something about it. We even have bike safety helmet laws to protect young children and bikers. Bic lighters, an industry, lighters where children get ahold of them, flicking them on and starting house fires and killing families and children, they even recognized the danger and instituted a safe lighter where kids—can not flick it on—it is child proof in effect.

Why, again, can't gun manufacturers do the same? If we have so many products that become child proofed, why not guns?

And what are the true losses? On the one hand, you heard statistics and numbers. And you can use numbers to show rising deaths due to guns. Yet on the other hand, numbers don't tell the complete story. You just cannot calculate the loss to a family of a son, a grandson, a godson, a brother, a boyfriend, a future—hopeful future leader, class president. And as you heard my wife say, there, one bullet indirectly took another life, the life of a pallbearer at his funeral, one of his best friends.

We don't need more guns to be spread throughout American homes to be stored negligently, unsafely, to destroy the lives of the very ones they are supposed to protect. We do need more laws to protect the innocent children. We did a documentary film, my wife and I and four other families; it was put out by HBO this month. And I have had more people come up to me at work, even gun owners, to thank us for what we have done and to ask if they could have a copy of it to sit down with their children just to show them the danger involved. They view it as a gun safety video.

What are we witnessing now? What are we going to look at in our future? Is it going to be a deadly, ever-escalating spiral of violence, of oneupmanship, where the gun manufacturers produce one

caliber weapon, give it to the police, another higher caliber to the citizens, another higher caliber to the criminals, and it just keeps going on and on. We lose, they win.

Surely the children are going to be dying. And somebody pockets the profits for producing higher and higher caliber weaponry. I don't think this is what we want America to become; we don't want this kind of chaos.

I mentioned the Vietnam Memorial. I often think the way the numbers are increasing, we are going to have more children dead—dying and dead, than all the guys we had die in Vietnam. It might be entirely appropriate in the future to have a graphic wall with the names of the children listed in it, listing all that have died and how the numbers are increasing.

I was asked to go into the service and I did, I went to Vietnam—asked to protect my country. Yet what bothers me is nothing is being done here to protect a child in a home. Maybe I won't blame guys in the future if this continues, if they would refuse to go themselves, if they can't find protection for their own family and children at home.

And then we also are now hearing, instead of a lessening of guns in society, they have more, more being carried by these concealed weapon laws. I don't think this is responsibility at all. You might have noticed during the recent NCAA tournament, the father of a basketball player was entering the arena, and a gun in his pocket dropped out and fired. It was just a miracle that no one was shot and killed.

These are the situations that are going to be easily repeated. People reaching in, inadvertently hitting the trigger, getting jostled with the keys and the gun in the same pocket, pull out the keys and the gun goes off. I just see it as more risk, more of a threat to society than protection.

How many people can we have afford shooting at a, supposedly, crime scene, say on this Long Island subway. With the action occurring in the back of the car. If other people were in front, they weren't even aware of trouble; by the time they got up and turned around, if someone else came out with a gun and they turned around, how would they know who was the bad guy, who was the good guy? What kind of chaos would we have?

I think a lot of questions have to be answered before concealed weapon laws are made law. We have had instances just in our own community, but I am sure it is repeated a hundredfold around the country, where people are just too easily taking a gun and firing it. Someone who lives in an apartment complex, they have a party, someone else is from out of town and they can't find the same apartment to go back to, they are all the same, all the buildings look the same and they go knock on a door; the people inside just fire through the door. They claim it is a threat to their lives, even someone just looking for directions, just lost.

You saw where a Japanese foreign exchange student was shot, killed, just simply knocking on a wrong door, looking for a Halloween party to go to. The police know and are instructed when deadly force is allowed to be used and the consequences, and have to restrain themselves.

I don't think the average citizen is aware, totally, unless he takes sufficient safety training courses. Yet, I heard just the other day a national talk show host advocating to shoot to kill. He said, "If someone is on your property, or you say you feel threatened by him, shoot to kill. Then there will only be one story, only one version of a story—that is, yours, not the other person's."

How would any one of you feel if it was your teenage son, say, who went out on a scavenger hunt at night, an innocent thing that probably others of you have done, and they were shot dead for taking a hubcap or someone's, maybe, mailbox nameplate? Is that justified? Is that what we want? Do we want that dark side of our society to come out?

I would just ask that you consider the children, the future of our society and our Nation, as you contemplate enacting gun legislation and hearing how people defend themselves. but also realizing the danger that is being spread by over 200 million handguns out there and 1½ million more flooding the markets every year.

Very often, people get them in sudden reaction to a crime in their area. They get them, they have them for a week, a month, then that fear dissipates and they let them sit in a drawer. And these innocent children sometimes pay the price for that.

I would like to conclude just by saying, if you can't control the gun manufacturers and their products, if you can't make the Consumer Product Safety Commission have oversight over this consumer product, if you cannot establish gun industrywide safety standards to protect innocent children, then maybe you shouldn't ask young people to go off to fight for their country, if their children can't survive in this country. And it might be time to erect, like I said, another wall for the children, the victims of the gun violence, gun violence that is being spread unchecked.

One thing I haven't heard, I would just like to raise the question. Everyone seems to initially react, get a gun, to react to a supposed threat or danger. What is wrong with buying a dog? I think it is certainly a lot safer.

Thank you.

Mr. SCHIFF. Thank you, Mr. Steber.

STATEMENT OF MR. McDERMOTT

Mr. McDERMOTT. Thank you, Mr. Chairman, Congressman Schumer, members of the subcommittee, for the opportunity to speak to you today about a subject that I know a little bit about. On the night of December 7, 1993, I became a statistic—only through the grace of God, not a fatality, but a survivor, survivor of a shooting—not incident, but a shooting massacre aboard the Long Island Railroad train, from Penn Station to Hicksville.

I would ask you to just travel with me for the next several minutes and try to experience, along with me, what happened in the 3 minutes that one gunman, with 1 semiautomatic pistol, with two 15-round clips, was able to kill 6 people, wound 19 others of us, and the other 80 or so passengers on that car, hold in absolute terror.

I noted this morning when the committee room was full, it reminded me so clearly of that train. One car, 120 feet long, 18, 20 feet wide. And I want you to imagine that at the back of this com-

mittee room, if a gunman—clean-cut, clean-shaven—suddenly stood up and started shooting people in the back of the head, in the side of the head, what panic and what terror would you experience, would you witness?

You would see people standing up in absolute terror and fright, and running as far away as quickly as possible from where the shots were being fired. That is what I observed. I saw men knocking women down in the aisles of that train, running up over their backs, trying to get up over seats in a very natural, chaotic, barbaric effort—and yet very basically human, to flee this crazed gunman.

When I first observed him, he was in the process of reloading a second 15-round clip. Up to that point, I had not actually seen him. I was—my view was blocked by a barrier in the vestibule area of that car.

After the first several shots rang out, I thought that they were rocks hitting the side windows of the car. And then there was more shooting and shooting and shooting, and then I concluded that it was a gun battle taking place in the rear section of that car. And I said, oh, my God, no wonder the people are rushing by, knocking one down, one another down. When I did first see him, we were 10 feet or so apart. There was no one between us. And I looked at him and I watched him reload, and for the slightest 3 or 4 seconds, I thought he was a cop. I thought he was an undercover cop. He was not acting like a wild man, he was not in a state of frenzy. He was just very calmly reloading.

And then I felt a sense of relief, thank God, it is over, whatever had happened in the rear portion of the car. And it wasn't until he then raised his right arm at me and got the gun shoulder length, and I said, oh, my God, he is going to shoot me. And with that, God intervened, and my injury, my bullet wound, was through the shoulder.

It threw me to the floor. I put my head under the seat, I tried to protect my head. I was afraid that he knew that he hadn't killed me. He walked the four or five steps up to the row that I was lying on the floor, with my head under that seat, and he pumped two more rounds. And I thought he was shooting down into the seat at me. He wasn't. He was shooting at the people who were seated behind me.

He then—I watched his feet walk down the car, and kept shooting, left to right, left to right, on and on and on and on. It seemed as if it was never going to end.

I knew I didn't want to stay on the floor of that car. I felt that he was going to kill everybody in that car. I got up and as I looked towards his back. He was standing there at the front of the car, and he was attempting to reload once again. And it was only through the heroic acts of three brave men, our fellow passengers, that he was able to be tackled and taken down. When I turned to go to the back of the car, the rear of the car where the shots had first rung out, I could not believe—my brain was rejecting what my eyes were seeing. Everybody was shot. Bullet holes, gaping bullet holes in their heads, in their bodies, one man on the floor, four or five shots in his torso. And I said, oh, my God, this is war all over again.

And like my friend next to me, I did my time in Vietnam, but I never saw anything like this. That 3-minute experience, I believe, was more than I experienced in my entire life. It was so chaotic, it was so frightening, it was so unreal, it was unimaginable, it was unbelievable.

After the time I spent in the hospital, I returned home. I had occasion to watch a national news program on December 12, the "David Brinkley Show." Congressman Schumer was on that show, and he was on with a U.S. Senator to discuss gun control. And that is what they were having, a discussion, until the words got a little heated; and then I couldn't believe what I was hearing in response to a comment that Congressman Schumer had made.

That U.S. Senator, in a surly, vicious, vile, contemptible tone of voice, said, Congressman, you know, gun control where I come from is how steady you hold your rifle. I felt as if I was shot again. The nerve. And at that moment, I determined I was going to try to do something, the little bit that I could.

I looked into the second amendment. I had never, as an attorney for some 20-odd years, had occasion to visit it. And it was frightening what I encountered and what I realized. The misinformation that the gun lobby, the gun manufacturers put out to the American public is a shame.

The mantra of second amendment—second amendment, is a fraud, is intentionally misleading, and is a disservice not only to the Congress of the United States, but to the American people. None other than former Chief Justice of the United States Warren Burger, in a public comment, has denounced the lies, the falsehoods and the fraud, in an effort to reject the only two U.S. Supreme Court cases that have ruled on the issue of gun control authority, authorization.

And the 50-some-odd U.S. court of appeals decisions throughout the country likewise holding uniformly that there is no personal—personal right under the U.S. Constitution to bear an arm without being involved in a militia activity.

That is the law of this land as interpreted by the U.S. Supreme Court. But that has not—that has not been the message that the American people have had an opportunity to hear.

In the very serious duties that this task force has been charged with, I have no doubt that your very qualified counsel will be able to render legal opinions such as confirming the American Bar Association, the Bar Association of the city of New York, every major legal association in this country, has confirmed, accepted that line of cases, that law.

The task of this subcommittee I think is a very, very responsible and weighty one. And yet I think it is going to be a fairly simple one, because all you are going to be doing is using your common sense.

Congressman, I share your aversion to statistics. We are all familiar with the phrase, lies, lies, and then statistics. Common sense dictates that the Government of the United States has the duty, has the responsibility, to secure the safety of its citizens. It does so in the international arena by controlling, by influencing the movement of arms to our friends and not our foes. That is sensible, that is reasonable, and we must do that.

The U.S. military, through the Congress of the United States, controls guns, controls their own personnel. We have the finest military forces in the world, the most highly trained. We don't allow our soldiers, our sailors, our marines, our Air Force personnel, to walk around military bases, locked and loaded, and yet these people are trained, these people are proficient. Does crime still occur on military bases? Of course. But there is a reason, there is a rationale, there is a commonsense approach. Our military leaders know that it makes no sense whatsoever to allow our personnel to walk around fully armed.

And this Congress itself is a proponent of gun control. When we walk in this building, there is a metal detector out there. That is gun control; that is reasonable, that is logical, and it is necessary. You people are in a high-profile position, you don't know what nut is going to come through, enter your office, so you take reasonable measures. I don't think you do it because you think your lives are any more valuable than our lives, not at all.

And I don't resent the fact that our courts have to have metal detectors. It is necessary, it is logical, it is reasonable.

And last, as I understand it, up until the late 1800's, Members of the House of Representatives were allowed to go on the House floor fully armed. After three incidents where Members pulled out their side arms and pointed it at other colleagues, that came to an end. That is reasonable, that is logical, that is intelligent, that is common sense.

Thank you.

Mr. SCHIFF. Thank you, Mr. McDermott.

I want to say particularly with the final four members of this panel, as we said to the members of the first panel who shared personal experiences, we know it is not easy to come forward and testify about matters that are so personal to you, but we very much appreciate the contribution that you made to this hearing in doing so.

I am going to reserve my 5 minutes at this particular time and recognize Mr. Schumer for 5 minutes.

Mr. SCHUMER. Mr. Chairman, I also want to thank the witnesses.

As I said earlier, we can't legislate just by anecdote, based on the first eight, or on your four, but I would just simply say that to me you have all made powerful statements; and I don't think there is anything more I could say.

I said to the first panel that their right to self-defense is a valid one, but there are other things out there, not just the right to self-defense.

I don't consider myself at all extreme on this issue. There are extreme people who believe there ought to be no guns anywhere. Maybe some of you do; I don't. But the other extreme, which says anyone, anytime, anywhere, ought to be able to buy a gun, leads to the kind of problems that we have talked about here no matter how much law enforcement we have. We all know that is a shibboleth, that is a smoke screen, because I feel as strongly about tougher laws against the criminals as anybody. That has nothing to do with whether we should have some rational laws on guns, as well.

They are not in correct position. I have heard four or five Members on the other side say, well, you can either have gun control, and a couple of witnesses on the first panel. It is not an either/or. And the gentleman from Georgia was admonishing Ms. Jackson-Lee, we are not all together on this. Well, he is probably right, we are not all together. But what she was trying to say was, people of goodwill who are not at the extremes could probably come together on this. Some of us might feel getting rid of or implementing laws that don't allow the bad people to get guns—and it inconveniences everybody else, but doesn't eliminate their guns—are more important than others. But I have never heard a good argument against it. I have heard "smokescreen." I have heard, "It will take away my gun." That is what the first eight said, that is what the people on the other side are implying.

That is not what we are trying to do. That is very simply not what we are trying to do. We are trying to make it probably as hard to get a gun as it is to drive a car in most States. That is ultimately our goal; that is all. And only—what I will stand by, what I said at the beginning, because of extremism, we don't get that. Extremism, a small number of people, very powerful and very active, as you are active—and I admire their activity, because that is what the American public is all about, but they change the debate, and then they introduce smokescreen after smokescreen, just as the whole issue of self-defense was here today, because any one of the people can get—any one of those eight could get a gun and use it for self-defense under any proposal that I would advocate, I think all my colleagues would advocate.

The opponents of gun control, with all due respect, always set up smokescreens, always set up strawmen, and don't address the issue head on. You have addressed the issue head on, and at least to my way of thinking, which obviously isn't everybody's way of thinking here, but I thank you for it.

Mr. SCHIFF. Mr. Heineman.

Mr. HEINEMAN. Thank you, Mr. Chairman. And thank you, folks, for being here today. I thank you for your sincere statements and I promise I will not pollute those statements with political rhetoric. I think we heard from the people on the first panel and we heard the theory and statistical application in the second panel, and we heard your stories, and your real stories; they are heartfelt, heart-rending stories. And I don't think there is anything I can ask you other than what you have said and the way you have said it. You have made your points.

This is a big country, with a lot of people in it, and a lot of different ideas about different things. Most of them haven't felt how you feel and have felt in your experiences, just as most of them, the people in this country, haven't felt as the panel of eight testified to today. It is a difficult situation. It is a difficult judgment call.

I didn't come to this panel with a predetermined opinion or designation. I have a predetermined feeling and opinion based on my history and my studies of people. Not in a sterile environment, because environments change with people and with situations. But I do thank you for coming here today, and I feel for you and the guts that you folks have displayed today, telling your stories.

I have heard them before in other situations. I have heard them on television, people really that have experienced heartrending situations. We have heard them at panels before, in the Crime Subcommittee and the Judiciary Committee—I don't mean Crime Subcommittee—the Judiciary Committee, from real people. And I think that is important for us to take into consideration when we deliberate this very, very, very difficult situation.

And I am going to reserve the balance of my time at this time, Mr. Chairman.

Mr. SCHIFF. Very well.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. I think the testimony we have heard today indicates there are certainly two sides to this issue, particularly in what handguns and firearms in the house can do to children. We heard two different families testify to that situation.

We have also heard Mr. McDermott indicate the difference, clear difference, of a firearm that has a clip with more than the 10 bullets in it, that when you have a firearm that can shoot that many bullets, you can do a lot more damage than if you are relegated to one that has fewer bullets. And that is obviously a testimony in favor of what we did last year, and hopefully, we will not repeal that ban.

Dr. Wintemute, you have done research on this, and your statistics on resistance with a firearm, I think you said 49 times more likely to be injured in a robbery if you defend yourself. Was that with a firearm?

Dr. WINTEMUTE. This is in a commercial robbery, and it is not specific to firearms. That was not my work. It was—

Mr. SCOTT. What I have heard in most situations is that owners of convenience stores tell the workers if you are robbed, give them the money, don't resist, because an injury, quite frankly, would cost them more than the few hundred dollars that is left in the cash register after they have hidden it away in the time safe, most of the money into the time safe.

What—the issue before us is a repeal of the assault weapons ban. Do you see any value to public safety if we were to repeal the assault weapons ban?

Dr. WINTEMUTE. I see the opposite on two grounds. Let me first off acknowledge the poster that is sitting in front of the chairman, indicating that assault weapons are relatively rarely used in homicides. We have here an instance of what is known as the paradox of prevention. In California, assault weapons were recognized as a not particularly common but very rapidly increasing component of street gun crime, and action was taken in California, in the large preemptively. It was taken after a particularly horrendous shooting event in which more than 30 persons were shot.

I think it is significant that after the law was enacted, but even before its effective date, assault weapons largely disappeared from California's confiscation registries, because they were being voluntarily removed from the street by their criminal owners.

I might mention another level at which I think public safety benefits. I have actually treated dozens, if not more, of assault weapon injuries. I did not serve in Vietnam, but after completing my medi-

cal training, I served in Cambodia as a civilian physician in a combat zone, where our two leading diagnoses were gunshot wound and land mine injury. And I am, on the basis of personal experience, very much impressed that the wounds caused by these rifles are much more serious than the wounds caused by handguns. And the testimony that we have heard today, has been specifically about weapons that some people describe as assault rifles. So I think we have taken preemptive action to prevent the widespread appearance of a much more highly lethal form of gun technology on the street.

Mr. SCOTT. Is there any enhancement of self-defense that could be obtained by using an assault weapon to defend yourself rather than any other weapon?

Dr. WINTERMUTE. In my opinion, not, notwithstanding, the anecdotes that we heard this morning. To all of those people, I would also say, congratulations, as others have.

Let me briefly differentiate between rifles and handguns in this case, which were lumped as assault weapons. In the particular case of rifles, the round leaves the weapons with sufficient force to travel through one or more walls of a building, or for that matter one or more persons, even after perhaps striking its intended target, injuring other innocent persons at a distance. That is less likely with handguns than with rifles. We are left, however, with the problem that many of the assault pistols are not particularly accurate, have very high ammunition capacity, and these are both design characteristics that I think increase the likelihood innocent bystanders would be shot.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. SCHIFF. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

I would like to thank the panelists here today. I know it is very difficult for the last four witnesses we heard from to testify, based on their very tragic personal circumstances; and I do very much appreciate them lending their voices to this very important debate.

I would like to also thank Dr. Wintermute. Unfortunately, Doctor, we didn't have your testimony beforehand, so it is very difficult to ask you questions about it. I don't know whether that was on purpose or not, but I would have liked to have had it beforehand, because there is a lot of information in it. And I would like to ask you some questions about it, but I will have to review it carefully first.

Dr. WINTERMUTE. It was not done on purpose, and I would be very happy to respond to questions sent to me later.

Mr. BARR. OK. Thank you.

Thank you, Mr. Chairman.

Mr. SCHIFF. OK. Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, again, thank you very much, and let me take a different spin at your presence here today. I would have liked for you not to have to be here, for you are here because of tragedy. So let me say thank you for informing us, but I wish in the best of all worlds that you need not have been here.

Let me acknowledge, certainly, the points, very strongly made, by those who have lost their children. And the reason why I say that is because, in the previous panel, I had one of the doctors try

to distinguish between children and teenagers, and I tried to emphasize that it was a loss of life.

Doctor, if you would, I noted, as I am from the Vietnam era and have all the emotion, although certainly did not serve, as the two witnesses who spoke last about the violence there, but, as well, what are we coming to?

My question is—I don't know, I could not see if in any of the testimony—might we be able to say at this point that we have had at least 50,000 children die of gunshot wounds, of accidents and incidents?

By the way, would you be able to glean from anything you have researched that suggests we might be at that point where we have lost? And I would just say to you that in my book, teenagers are included in those numbers.

Dr. WINTEMUTE. Including teenagers in those numbers, the answer to the question is, yes, years ago. In fact, if gun death rates continue to climb over the next few years as they have been climbing since the mid-1980's, just in the years 1993 through 2000, more than 100,000 children and young adults will be shot and killed.

Ms. JACKSON LEE. Might you then also find it—as I was reading some of the materials that had Dr. Koop's comments, might this not be a national health crisis beyond even the attention we have given to sexually transmitted diseases, cancer, heart ailments? Is this not a health crisis?

Dr. WINTEMUTE. Without question. It is a crisis, it is an epidemic in the sense that the rates of injury and death are far beyond what can reasonably be expected from our history as a country, or for that matter, be expected from common sense. And the problem is getting worse.

Ms. JACKSON LEE. Let me—and I want to really ask some other questions to the other witnesses, but in your research or just—you were in Cambodia and you were in a war situation, but we are viewed as the leader of the Western World. Does our violence rate and gun utilization rate in violent incidents far outrun other, either comparables or maybe even Third World countries? And, of course, we are not talking about those engaged in either war incidents or disruption, but we are talking about those who are hopefully in a state of rest, if you will, and not unrest.

Dr. WINTEMUTE. Yes. Our gun violence rates are higher than those of any peacetime society in history. Last year, we probably became the first country in the history of the world to have guns replace motor vehicles as its leading cause of trauma death.

Ms. JACKSON LEE. And this is just a comment. I would think then any law to promote and perpetrate the idea of more guns on the streets certainly is not one that would help diminish this particular position. And I am simply going to make that comment.

To the parents, you have so eloquently indicated the sense and need of responsibility in the home about guns, and you heard the other individuals suggesting that they were defending themselves. I noted to you that we worked very hard in Houston for what we call a gun safety responsibility ordinance, which held adults responsible for that possible reckless holding in their homes.

We are talking today about banning assault weapons, but we are also talking about children and safety. And I would ask anyone

who wants to answer whether or not you would find that intrusive, if we tried to make places where children were safer, whether that person had an assault weapon or a handgun, whether that is an important responsibility for those of us who are concerned about violence in this country.

Mrs. STEBER. It is a very definite need in this country. It should be on a national level, not a State level. Our kids should be protected wherever they go. And by knowing that you are going to force—face criminal negligence if a child gets ahold of a handgun or any type of a weapon in your home and kills himself or someone else or injures someone else, then perhaps it makes you think and take that responsibility that you should take anyway.

Mrs. WHITE-BOWDEN. May I comment? I don't take your remark as affront.

I wish somebody had said to me, first of all, your former husband committed suicide, you have children in the home; you still have guns in the home, is it wise to have these guns in your home?

And then when my teenager became troubled over incidents, events in his life, again, if I had heard somebody say something like this, is this wise, is there the chance that he might take one of those guns and kill himself, I probably would come to the conclusion that it was not a smart thing to have guns readily available in my home. And I think education and training and oversight is very important for American society to become gun safe.

Mr. SCHIFF. The lady's time is expired.

Ms. JACKSON LEE. Thank you, Mr. Chairman. Just might I—I don't have another inquiry. I just do have a burning question, and if anyone yields time or there is a second round.

Mr. SCHIFF. I will recognize you right now for the question.

Ms. JACKSON LEE. Thank you.

Mr. SCHIFF. No, Ms. Jackson Lee, I will recognize you right now, if you wish. I am sorry.

Ms. JACKSON LEE. Oh, thank you.

Mr. McDermott, I didn't want to leave you out, and again, cannot equate anything with the tragedy that you experienced, what you visibly saw in peacetime America. I add my question to you as an attorney—and likewise I am an attorney, and know the rule of law, which is, don't ask a question that you don't know the answer to, or would not know the answer to, to a witness. But I am willing to take this chance.

First of all, as you look, I think, either to your right or left—I can't tell—at photos that have been offered here, I don't know, for visual sake, I would say to you that I would hope that we would not be a country that wanted to live like those pictures seem to depict, having to arm ourselves. And we would hope that that is the aberration and not the rule.

Someone would probably say as they listened to you passionately, just think, Mr. McDermott, if you had your assault weapon, look what you could have done to this violent, crazed individual. I don't know the answer to this question, but I am going to ask you whether or not that would have been the answer.

Mr. McDERMOTT. I thought of it quite often right after the incident.

I don't know if I mentioned in my remarks, I was a law enforcement official for 4 years prior to becoming an attorney. I was armed, carried a gun everyday. And after deep reflection, as opposed to a knee-jerk response, there is no question in my mind that I would have done more damage if I had possessed such a weapon than the 6 deaths and the 19 injuries that occurred on the train.

And the reason is, again, because of the mass confusion and chaos that was extant on that train. You could not separate because of the way the gunman was dressed primarily and the way that he was conducting the executions. And with people running and knocking one another down, if someone behind me had started firing, I dare say I would then think I was in a crossfire.

But to address your question directly, no, I am convinced beyond a doubt, to a moral certainty, that I would have caused more horror, more injuries and possible deaths.

Ms. JACKSON LEE. In closing, just simply—and you know that Mr. Ferguson, had, I believe it was a Luger, and could still, while this gun exists, could have had the Luger, if anyone claims that they wanted to carry a Luger, but they would not have been able to have had those magazines which you saw him reload and shoot time and time again.

Mr. McDERMOTT. Absolutely correct. And in discussions with each of the 3 men who tackled him, they confirmed the fact that the last 3 killings were the 12th, 13th, and 14th bullet. So there is no question in their minds that the large size capacity clip contributed to the death toll.

Ms. JACKSON LEE. Thank you. And thank you, Mr. Chairman.

Mr. SCHIFF. Thank you. Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

I want to join again my colleagues in thanking these witnesses for being here and giving us their personal experiences, and demonstrating the substantial feelings that exist on this side of the issue and demonstrating that there are sides to this issue that we must take into account.

I do not have any questions and I will yield back the balance of my time. Thank you, Mr. Chairman.

Mr. SCHIFF. Thank you, Mr. Watt. Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Chairman, I too just want to thank the witnesses for sharing their thoughts and their feelings and their recommendations with us.

I am a mother and a grandmother and I know that the most traumatic thing a human being, a parent, can go through is the sudden loss of a child, and especially the sudden death of a child through suicide. And I commend you for turning your courage into the kind of activity that will bring about a good dialog.

Maybe we do not always agree on every instance, but my hat is off to you, all of the members of the panel who have experienced these personal experiences, for turning your courage into positive activity. And I thank you very much.

I do want to say that I was taken with the testimony of Mr. McDermott and I am just so sorry that at the hands of a criminal this terrible carnage took place. You had to endure the horrors of Vietnam and then you had to put up with this, as my colleague Ms.

Jackson Lee said, in peacetime America. I think it is a very good statement and one that I will remember.

I do have some questions for Mr. Wintemute.

Last October, the Director of the Centers for Disease Control's National Center for Injury Prevention and Control released information on the increase in homicide among males aged 15 to 19 but declined to release the information broken down by race, saying that this is not a racial problem; that it is a national problem with the same trends for whites and blacks and the curve looks the same.

For that time frame, 1985 through 1991, roughly how fast did the homicide rate among blacks aged 15 to 19 rise?

Dr. WINTEMUTE. I am looking to see if I can give you an answer for the exact years you are asking for off the top of my head and I cannot. But for a similar period, 1984 to 1993, interestingly risk for a gun death decreased for persons in the entire age range from 35 to 74, but increased by a factor of 3, by 300 percent, for black males ages 15 to 24, to an overall rate of about 177 per hundred thousand persons per year, which is approximately 11 times higher than the rate for the population as a whole.

Mrs. CHENOWETH. So, in general, would you describe the statement of the head of the CDC's national center devoted to the study of gun-related violence as accurate?

Dr. WINTEMUTE. His statement regarding race?

Mrs. CHENOWETH. Yes.

Dr. WINTEMUTE. This is a subject that is being discussed now not only in public health but in many other biological and social sciences. The question is, Does race have biological meaning, does it have only social meaning, and in either case is it a valid index of anything?

I tend individually to think that race is a social variable. Whether it has biological meaning or not, it is a market for other factors that perhaps are not so readily measurable. In my research, some of which is funded by CDC, we use and will publish results with racial variables intact.

Mrs. CHENOWETH. How did you come to apply for your first Federal grant?

Dr. WINTEMUTE. Following the standard procedures, the Centers for Disease Control and Prevention, like other Federal agencies, puts out requests for proposals when they institute a grant program, and I submitted such a proposal, competed along with everybody else—as is very common, did not get funded the first time, reworked and improved the proposal, and was funded the second time.

Mrs. CHENOWETH. Thank you. Thank you, Mr. Chairman.

Mr. SCHIFF. Ms. Jackson Lee desires to be recognized again.

Ms. JACKSON LEE. Mr. Chairman, I am not acknowledging my manners that my mother has taught me. I do want to share my appreciation for your presence here.

And, Doctor, I just wanted to have you briefly comment. I do thank the gentlelady from Idaho, and certainly her being here, I would like to say, adds a balance to the other side of the aisle. I appreciate her being here today.

But if we begin to talk about those issues as relates to race, we might be able to look at another factor, which is suicide among teenagers, which may be across the board, those suicides seemingly have used—the weapon of choice has been a firearm. Am I correct, is there a number of suicides by teenagers that increasingly uses guns as the weapons of choice for suicide?

Dr. WINTEMUTE. For not only teenagers, but teens and adults, and men and women alike.

Ms. JACKSON LEE. I imagine that crosses racial populations across the board.

Dr. WINTEMUTE. Yes, ma'am.

Ms. JACKSON LEE. As I close, Mr. Chairman, let me simply thank Congressman Schumer for his leadership on these many issues dealing with violence and I am hoping that today's hearing will contribute more to a violence-free country. Thank you, Mr. Chairman.

Mr. SCHIFF. Thank you, Ms. Jackson Lee.

I will recognize myself for my 5 minutes now and hopefully I will not take all of it.

I want to very much thank this panel as we have thanked the other panels, but I want to take a moment to address the remarks, the arguments against certain gun control provisions are some kind of smokescreen.

I want to say first of all speaking for myself, though I have opposed some of the gun control provisions that have been offered, I am by no means an opponent of anything and everything with the name "gun control" on it. I very much support the long-existing law making it a Federal offense for a convicted felon to be in possession of a firearm. I have asked the U.S. Justice Department on occasion after occasion to set a minimum standard to insist upon prosecution. In other words, to say to the U.S. attorneys, if you get a case with, let's say the convicted felon with the firearm this time was released from a penitentiary for a violent crime within the last 6 months, you will prosecute. They refused to adopt any kind of minimum standard like that.

I supported a gun control law that was included in the last crime bill. This is a gun control law that makes it a Federal offense for a juvenile to be in possession of a handgun under most circumstances. Frankly, I don't think juveniles should be in possession of any kind of firearm, whether you call it a handgun or otherwise, outside of a training course or something like that.

That bill became a law and went into effect with the crime bill in September. To the best of my knowledge there has been no prosecution by any Federal attorney anywhere in the United States of America more than 6 months later, despite the carnage being committed on our streets by certain very violent juvenile offenders. So it was a provision that individuals thought sounded nice but they certainly didn't rush to enforce it.

I think certain of the other references we have made also relate to gun control consideration. For example, I said before that I think concentrating on the criminal still should come first. Nothing I have heard today changes my mind. I still believe that that relates specifically to gun control laws although I meant it as a general statement.

The Brady Act, I have seen great claims as to how many violent crimes the Brady bill, now the Brady Act, has prevented by denying sales to certain individuals. I think when you look at those denials—and the statistics will show you that a fugitive, for example, is someone who has not paid a parking ticket. But, more importantly, to the extent any of those individuals are really current violent criminals, there has been virtually no prosecution under Federal firearms laws of those individuals who were denied a purchase, even though they presumably violated the law when they tried to make that purchase. They were ineligible.

The point is, if someone is a criminal and is trying to get a gun for the purpose of committing the next crime if you do not move to take that person off the street they will get the gun and commit the crime. So any benefit we might have gotten from the Brady Act I think we are not realizing.

The issue of the type of weapon that we have discussed here on this panel is one of legitimate debate. We have heard reasons today why certain firearms or certain magazine sizes should not be legal. But people on the first panel said very clearly that those types of weapons and those sizes of magazines were what they chose for self-defense and they used those weapons and those magazines for self-defense, and I simply have to point out that a law that says such weapons or such magazines are illegal is denying these same individuals the right to choose for themselves how to defend themselves.

I want to conclude by saying, Dr. Wintemute, I think that your testimony about your view of the statistics on whether you are safer to have a firearm or not to have a firearm was a good contrast with the earlier panel on the subject and their view.

I have to say, without a doubt, safety is an issue here, as the Stebers have very strongly made as a point. However, I think the issue generally speaking is one of personal choice. In other words, regardless of what the statistics show and how we would argue them, do individuals not have the right to decide for themselves?

I choose to take whatever risk there is to have a firearm in my home to protect myself and my home and my family as my choice as a citizen. No matter what the statistics show, I think individuals have the right to say, I have evaluated the risks and this is the choice I want to make. I think they should continue to have the right to do so.

With that, I again thank this panel for testifying, along with the previous panels. I want to thank all of my colleagues on both sides of the aisle for what I think was a very fine hearing and exchange of ideas between us, between the witnesses, and listening to the witnesses' testimony, and this subcommittee is now adjourned. Thank you.

[Whereupon, at 4:25 p.m., the subcommittee adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING

UNIVERSITY OF CALIFORNIA, DAVIS

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SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF COMMUNITY AND INTERNATIONAL HEALTH

SCHOOL OF MEDICINE
DAVIS, CALIFORNIA 95616

April 3, 1995

The Hon. Charles E. Schumer
United States House of Representatives
Room 2412
Rayburn House Office Building
Washington, DC 20515-3209

Dear Sir:

Thank you very much again for inviting me to testify before the Subcommittee on Crime of the Committee on the Judiciary at its hearing of March 31, 1995.

In response to a question from Representative Jackson-Lee, I provided partially incorrect information on estimated numbers of deaths from gun violence among children and youth in the United States. Attached is a copy of a letter to her that corrects the mistake, and a report providing more detailed information. I will be supplementing the report with a specific response to her request as soon as possible.

My apologies for the error. I request that my letter to her and the attached report be made a part of my submission to the Subcommittee.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Garen Wintemute".

Garen Wintemute, MD MPH
Director, Violence Prevention Research Program

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April 3, 1995

The Hon. Shiela Jackson Lee
United States House of Representatives
1520 Longworth House Office Building
Washington, DC 20515

Madam:

During the course of the hearing of the Subcommittee on Crime held on March 31, 1995, you asked me if more children had been shot and killed in the United States than American soldiers had been in Vietnam. My response to you included the statement that, if current increases in the rate of deaths from gun violence continue to the year 2000, more than 100,000 children would be shot and killed during the years 1993 to 2000 alone.

That statement was incorrect. I mis-remembered the data presented in Figure 5 of the attached report, in which the over-100,000 finding can be seen to apply to the age range 0-24 years, not the 0-19 years about which you asked me. The report also shows the remarkable rise in gun deaths among our nation's young people; see in particular Table 2 and Figures 2 and 3.

I apologize for the error, and hope it has not caused you any inconvenience. As soon as possible I will send to you a tabulation of the number of children ages 0-19 who have died from gun violence since the 1960s, when the rise in youth gun violence began.

Again, my apologies. Please let me know if I can provide you any further information.

Sincerely,

5/10

Garen Wintemute, MD MPH
Director, Violence Prevention Research Program

**Trauma in Transition:
Trends in Deaths from Firearm and
Motor Vehicle Injuries**

Garen J Wintemute, MD MPH



A report from the Violence Prevention Research Program

University of California, Davis

January, 1995

The Violence Prevention Research Program is located at the University of California, Davis. Its work addresses the causes, nature, and prevention of firearm violence. This project was supported in part by a grant from The California Wellness Foundation.

Suggested citation: Wintemute GJ. Trauma in Transition: Trends in Deaths from Firearm and Motor Vehicle Injuries. Sacramento, CA: Violence Prevention Research Program, 1995.

© 1995 by Garen Wintemute

Mailing address: Violence Prevention Research Program
University of California, Davis
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Sacramento, CA 95816

The Violence Prevention Research Program reported in 1993 that if then-current trends continued, firearms would surpass motor vehicles as the nation's leading cause of traumatic death by the year 2004, and possibly as early as 1994.¹ This finding was subsequently confirmed by the Centers for Disease Control and Prevention.² New data from the National Center for Health Statistics^{3,4} make it possible to update these predictions.

FINDINGS

The National Center for Health Statistics³ has issued a provisional estimate that in 1993 there were 40,230 deaths due to firearm injuries and 40,880 deaths from motor vehicle injuries. This difference of 650 deaths is within the range of error of the estimates. (The 95 percent confidence interval for the estimated number of firearm-related deaths was 39,040 to 41,420 deaths; the confidence interval for motor vehicle-related deaths was not reported but would be approximately 39,680 to 42,080 deaths.) The estimated 1993 crude and age-adjusted death rates from firearm injuries were 15.6 per 100,000 persons and 15.7 per 100,000 persons, respectively. By comparison, the estimated crude and age-adjusted death rates from motor vehicle injuries were 15.9 per 100,000 persons and 15.5 per 100,000 persons, respectively.

A comparison of long-term trends in deaths from motor vehicle and firearm injuries is shown in Figure 1. The age-adjusted death rate from motor vehicle injuries peaked in 1969 and had declined by nearly half (46 percent) by 1993. The death rate from firearm injuries reached its modern high point in 1974; after a generally downward trend through 1985 it had increased by 24 percent as of 1993 and was at its highest level since 1932.⁵

The increase in the death rate from firearm injuries has resulted largely from an increase in firearm homicides, which increased by 41 percent over the 10-year period 1984 to 1993 (Table 1). In 1984, firearm suicides outnumbered firearm homicides by more than 40 percent, a pattern which characterized much of the 20th century. By 1993 that margin had been reduced to 6 percent.

Table 1: Death rates from firearm injuries in the United States, by type of firearm death, 1984 and 1993, with net change over that time period.

TYPE OF FIREARM DEATH	DEATHS PER 100,000 PERSONS PER YEAR		
	1984	1993	PERCENT CHANGE
Homicide	5.1	7.2	41
Suicide	7.2	7.6	5
Accidental	0.6	0.7	16
Undetermined	0.2	0.2	0
Total	13.3	15.6	17

Over the 10-year period 1984 to 1993, trends in death rates from firearm injuries varied substantially by age (Table 2). For persons 35 to 64 years of age, death rates actually declined. The largest increase was seen among teenagers and young adults ages 15 to 24, for whom the death rate from firearm injuries rose 80 percent from 1984 to 1993.

Table 2: Age-specific death rates from firearm injuries in the United States, 1984 and 1993, with net change over that time period.

AGE GROUP	DEATHS PER 100,000 PERSONS PER YEAR		
	1984	1993	PERCENT CHANGE, 1984-1993
0-14	1.3	1.8	38
15-24	17.1	30.7	80
25-34	19.4	23.2	20
35-44	16.4	15.8	-4
45-54	15.0	14.0	-7
55-64	14.2	12.6	-11
65-74	15.1	14.0	-7
75-84	16.3	19.4	19
85+	11.4	17.2	51
Total	13.3	15.6	17

The experience of persons 15 to 24 years of age is displayed in more detail in Figure 2. The overall increase in firearm-related deaths in this group occurred largely because the death rate for black males increased more than three-fold, from 55.9 per 100,000 persons in 1984 to 176.8 per 100,000 persons in 1993. This 1993 rate is 5.4 times higher than that for white males ages 15 to 24, and more than 11 times higher than the overall rate for the population of the United States. It is important to recognize that this is an average annual rate for a 10-year period of time. The cumulative incidence of firearm death over this period for black males ages 15 to 24 is approximately 1,770 per 100,000 persons, or 1 in 56.

In 1993, firearm injuries ranked as the nation's eighth leading cause of death and accounted for approximately 27 percent of all injury deaths. For persons ages 15 to 24, firearms accounted for a substantial portion of *all* deaths in 1993 (Figure 3). For black males in this age group, 63 percent -- nearly two thirds -- of all deaths were from firearm injuries.

If there is no change in the trends established over the 10 years ending 1993, the death rate from firearm injuries will reach an all-time high in 1994 or 1995. Homicides will substantially outnumber suicides. By the year 2000, firearms will have far outdistanced motor vehicles as the nation's leading cause of traumatic death (Figure 4). From 1993 through the end of the year 2000, an estimated 350,000 people will be shot and killed in the United States. Nearly one third of these will be teenagers and young adults ages 15 to 24 (Figure 5).

There are an estimated 7.5 nonfatal firearm injuries for each fatality.⁶ By this estimate, the years 1993 to 2000 will also see 2,625,000 nonfatal firearm injuries.

CONCLUSIONS

In 1993, death rates from firearm injuries and motor vehicle injuries were statistically equal. Well-established trends make it almost certain that firearm injuries emerged as the nation's leading cause of traumatic death in 1994 and will remain so for some time. If these trends do not abate, there will be nearly 3 million shootings, including 350,000 fatalities, by the end of the year 2000.

Not quite 30 years ago, the United States made prevention of deaths from motor vehicle injuries a national priority. A systematic study of the problem was followed by concerted action on many fronts. As a result, the death rate from motor vehicle injuries has been cut nearly in half, and an estimated 250,000 deaths have been prevented.² Death rates from firearm injuries are unlikely to be brought under control until a similar national effort is brought to bear.

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APPENDIX

Crude rates were calculated by dividing the number of deaths from a specific cause in a specific year (for the population as a whole, or for specific race and sex groups) by the number of persons in that population in that year. Age-adjusted rates were calculated by the direct method, following procedures used by the National Center for Health Statistics. Age-specific rates for each year are applied to a standard population, the population of the United States as enumerated in 1940. The rate is then the number of deaths that would have been observed if the 1940 population had been subject to the age-specific rates seen in the year in question, divided by the number of persons in the 1940 population. Age-adjusted rates take account of changes in the age composition of the population of the United States over time. They are therefore better suited than crude rates for studies of death over long periods of time. Projections of future death rates were made using linear regression on data for 1984 to 1993. Linear extrapolation was used to estimate age-specific firearm death rates for 1990 and 1991.

The National Center for Health Statistics includes all types of firearm death in its rate estimates, listed here with their numeric classification in the External Cause of Death listing in the *International Classification of Diseases*, 9th Edition: homicide and legal intervention (E 965.0-E965.4, E 970), suicide (E955.0-E955.4), accident (E922), intent undetermined (E985.0-E985.4). That convention has been followed here. There is room for disagreement as to whether it is appropriate to include deaths by legal intervention, such as justifiable homicide, in such mortality studies. These deaths account for approximately 1 percent of all firearm deaths; their inclusion does not materially affect the results presented here.

Figure 1

Firearm and Motor Vehicle Mortality Rates

1969 to 1993

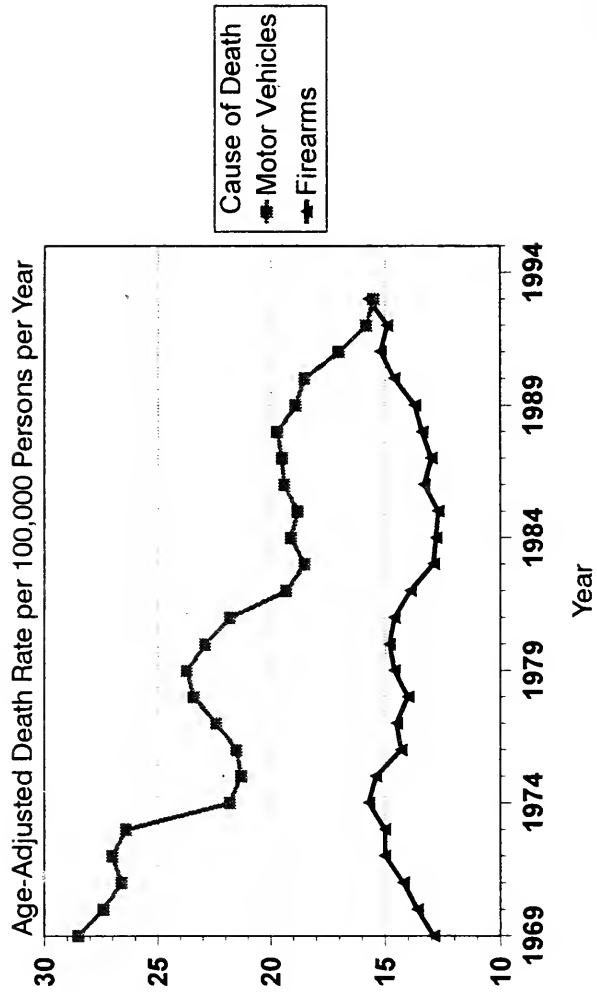
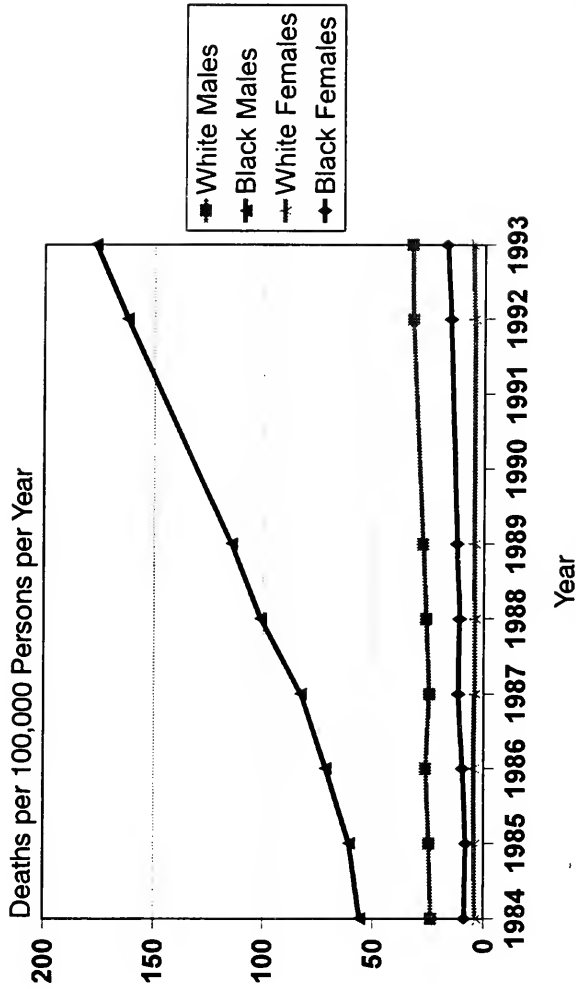


Figure 2

Trends in Firearm Mortality, 1984 to 1993

Persons 15 to 24 Years of Age



Note: Data for 1990, 1991, and 1993 are provisional estimates.

Figure 3

Firearms' Contribution to Mortality, 1993

Persons 15 to 24 Years of Age

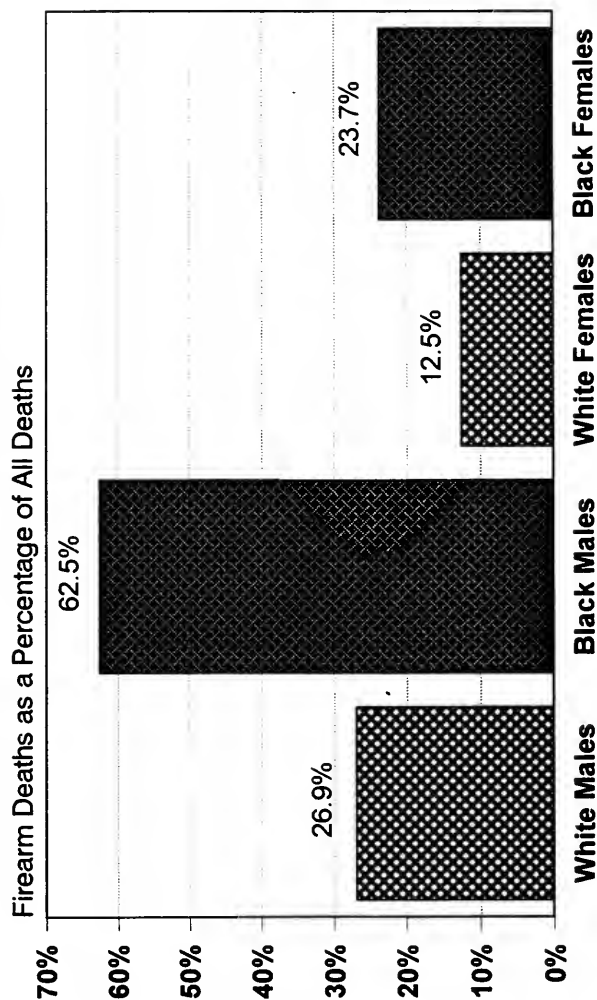


Figure 4

Firearms, Motor Vehicles, and Future Deaths

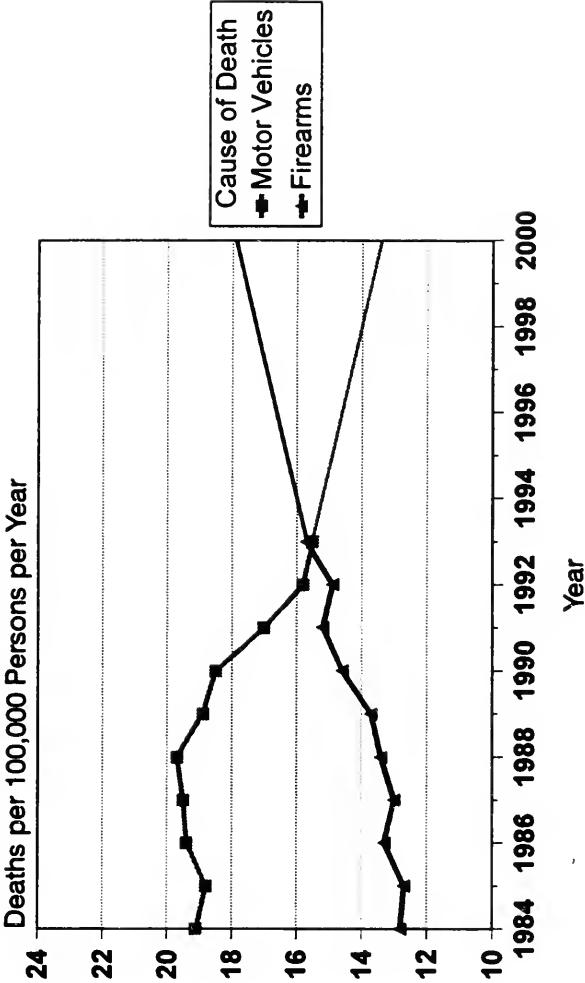
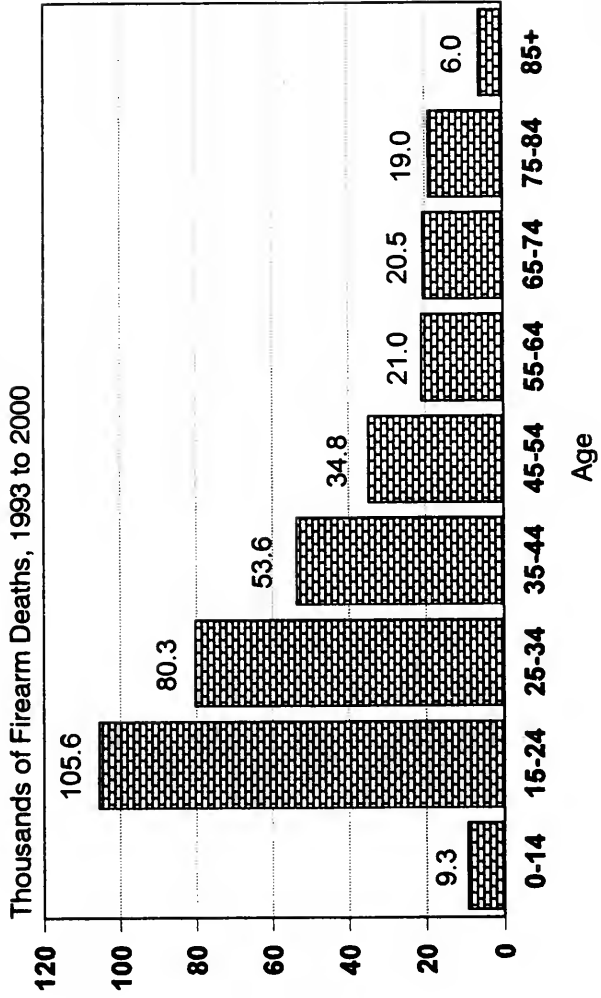


Figure 5

350,000 Firearm Deaths, 1993 to 2000

Distribution by Age



When Children Shoot Children

88 Unintended Deaths in California

Garen J. Wintemute, MD, MPH; Stephen P. Teret, JD, MPH; Jess F. Kraus, MPH, PhD;
Mona A. Wright; Gretchen Bradfield, MS

Between 1977 and 1983, eighty-eight California children 0 to 14 years of age were unintentionally shot and killed either by other children or by themselves. The majority of cases occurred while children were playing with guns they had found. Easy accessibility to guns, the resemblance of guns to toys, and gun malfunctions were all contributing factors. Handguns, particularly those of .22 caliber, were frequently involved.

(JAMA 1987;257:3107-3109)

FIREARMS rank among the United States' ten leading causes of death, accounting for more than 30 000 deaths annually.^{1,2} Unintentional firearm deaths are most common among children and young adults.^{3,4} Such deaths may be susceptible to preventive measures beyond those available for youthful firearm suicide and homicide. This study describes the 88 unintentional firearm deaths in which both the shooter and the victim were California children 14 years of age or younger, occurring during the years 1977 through 1983.

From the Department of Family Practice, University of California, Davis (Dr Wintemute and Miss Wright and Bradfield), the Department of Health Policy and Management, School of Hygiene and Public Health, The Johns Hopkins University, Baltimore (Mr Teret), and the

Department of Epidemiology, School of Public Health, University of California, Los Angeles (Dr Kraus).
Reprint requests to the University of California, Davis, Medical Center, Department of Family Practice, 2221 Stockton Blvd, Sacramento, CA 95817 (Dr Wintemute).

Methods

The California Master Mortality File yielded death certificate records for 137 firearm deaths of California residents aged 0 through 14 years, occurring during 1977 through 1983, that were classified as unintentional (*International Classification of Diseases* code E 922). Using coroner or medical examiner reports and supplemental information from local police agencies, we identified 88 cases in which the shooter was also under 15 years of age. Cases in which one child shot another and self-inflicted shootings were both included.

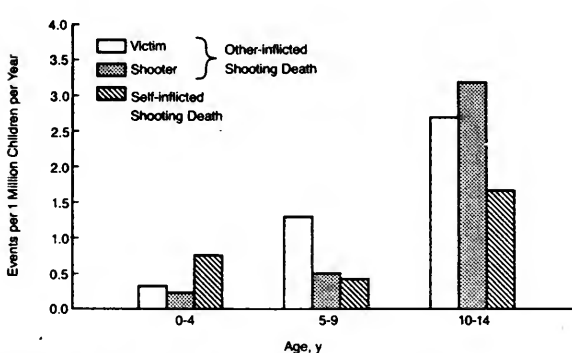
These cases were classified as unintentional by county medical examiners or coroners, based on investigations conducted by their own staffs and local police authorities. Studies of suicide among latency-age children (aged 6 through 12 years) have not reported suicide by firearm.⁴ It is nonetheless possible that some self-inflicted shooting deaths, particularly among children aged 10 through 14 years, were intentional.⁴

Mortality rates are averages for the seven-year study period; midinterval population data were obtained from the 1980 California census. Denominators used in rate calculations are age, race, and gender specific as appropriate. Years of potential life lost were calculated using the method developed by the Centers for Disease Control.⁵

Results

Case Reports.—Several case prototypes emerged, characterized by the following case summaries. (The frequencies cited for each prototype are conservative, reflecting the fact that full case descriptions were often not available.)

Firearm owners' perceived need for protection was associated with at least nine cases. In case 1, a 5-year-old boy shot himself in the head with a .38-caliber revolver. The child had found the loaded revolver under an older family member's pillow. The gun was usually stored out of view 6 ft above the floor but was placed under the pillow at night. The older family member had left the bedroom for a few minutes to watch television. In case 2, an 11-year-old boy was shot in the head by his 12-year-old brother with a 10-gauge shotgun owned by the boys' father. The boys were playing with the gun and did not know it was loaded. Ordinarily, the gun was kept unloaded. The previous night a prowler had been seen; the father loaded the gun at that time. In case 3, a 6-year-old boy shot himself in the head with a .38-caliber revolver. He had found the gun in the purse of a houseguest.



Risk for involvement in fatal unintentional shootings of children by children: California, 1977 through 1983.

In at least three cases the shooter thought the gun was a toy. In case 4, a 2-year-old girl was shot in the head with a .22-caliber rifle. The shooter, her 4-year-old brother, thought the gun was a toy. He had found it under their parents' bed, pointed it at her, and pulled the trigger. In case 5, a 7-year-old boy was shot in the chest with a .22-caliber pistol by his 8-year-old brother. The brother had retrieved the loaded gun from a drawer in their parents' bedroom. Thinking it a toy, he aimed it at his younger brother and pulled the trigger.

Defective weapons were involved in at least seven cases. In case 6, a 2-year-old boy shot himself in the head with a .38-caliber revolver, which was stored with other weapons in his parents' bedroom. The criminalist technician found the revolver had an abnormally light trigger pull. In case 7, an 8-year-old girl was shot in the head by a 7-year-old playmate with a .38-caliber handgun. The loaded gun had been left under the couch by the victim's parents, who slept in the living room. The safety catch was broken.

Epidemiologic Profile.—As shown in the Figure, the risk of involvement as a victim or shooter in other-inflicted deaths rose with age. Self-inflicted deaths did not follow this pattern and were the most common type of unintentional firearm death among children 0 through 4 years of age.

The mortality rate for boys was 4.3 per 1 million children per year and that for girls 0.5 per 1 million children per year. Mortality rates by race were as follows: white non-Hispanic, 4.1; black,

Activity at the Time of Unintentional Shootings of Children by Children

Activity	No.	%
Playing with gun, demonstrating use	66	75
Gun just went off	6	7
Russian roulette	5	6
Hunting, target shooting	3	3
Other	2	2
Unspecified	6	7

3.8; and Hispanic, 1.4 (all per 1 million children per year). The 88 deaths resulted in 5016 years of potential life lost.

Thirty-five deaths (40%) were self-inflicted. The shooter was another family member, usually a sibling, in 21 cases (24%), a playmate in 31 (35%), and unspecified in one case. A boy aged 10 to 14 years was the shooter in 58 (70%) of the 83 cases in which the shooter's age and gender were recorded.

The shooting occurred at a residence in 82 cases (93%). In at least 35 cases (40%), the gun involved was kept in the room where the shooting occurred. The shooter's activity at the time of shooting is shown in the Table. (Self-inflicted shootings are included.) The most common case history was of children playing with a gun that had been stored loaded, unlocked, and out of view; the shooting often occurred in the room where the gun was stored.

Handguns were involved in 51 cases (58%), rifles in the 24 cases (27%), and shotguns in 13 cases (15%). At least 39 (76%) of the handguns were revolvers. Seven weapons (five handguns and two shotguns) were reported as malfunctioning at the time of the shooting.

In 21 cases, the shooter stated he did

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not know the gun was loaded. In 16 (76%) of these, the shooter was 10 years old or older. Nine (43%) of these cases involved handguns; rifles and shotguns each accounted for six cases (29%).

Sixty-one children (69%) were shot in the head or neck. Wounds to the thorax (19, or 22%) and abdomen (seven, or 8%) accounted for most of the remainder. Reflecting the severity of these injuries, 33 children (38%) were dead either at the shooting site or on initial arrival at the hospital, and an additional 23 (26%) were pronounced dead while still in the emergency department. Forty-one children (47%) were dead within one hour of being shot; only 16 (18%) survived for more than six hours.

Blood alcohol levels were measured in 48% of the victims and in 72% of those aged 10 to 14 years. All results were normal.

Comment

The cases reported constituted 64% of the unintentional firearm deaths and 19% of all the firearm deaths that occurred among California children 0 through 14 years of age during the years studied. The total number of such shootings, fatal and nonfatal alike, must be substantially higher; an earlier review of unintentional shootings in Vermont found that only 6% were fatal.⁸

Serious long-term effects are not limited to those killed or injured. At least 52 of the 53 shooters in deaths inflicted by others were family members or friends of the children who were shot. They are almost certainly at increased risk for acute and chronic emotional and behavioral disturbance; to our knowledge, this hypothesis has not yet been evaluated.

Contributing factors that are susceptible to intervention exist. Easy access to firearms is chief among these. In at least 48% of residential shootings, children gained access to firearms that were stored loaded—but never locked away—in the house where the shooting occurred. Cases in which children knowingly made use of loaded firearms, such as while hunting or playing Russian roulette, were unusual.

The belief that, on balance, firearms provide personal or household protection

was directly involved in a number of deaths. Previous studies have established that this belief may be incorrect; unintentional fatal shootings of friends and family members in the home are as much as six times as common as fatal shootings of criminals.^{9,11}

Defects in current firearm design are important. It should be possible, for example, to design firearms so that users can easily determine whether they are loaded. In 36% of cases the record contained a clear statement that the child shooter did not know the gun was loaded or did not know it was real, or the shooter's age was such (younger than 5 years) that he/she would be unlikely to make such determinations reliably, given current design practices. This confusion involved both handguns and long guns and was not restricted to young children.

Likewise, firearm safety catches should be designed so that they are automatically and always engaged unless held in a disengaged position by the user. With such an alteration, small children in particular would be much less likely to discharge a firearm inadvertently. The malfunctioning of individual firearms appeared to be less important than these general design shortcomings.

Those firearms that figure most commonly in firearm homicide were also commonly involved in these shootings. Handguns were involved in 59% of cases, but they constituted only 43% of national firearm production during the study period.¹² Revolvers of .22 caliber were used in 35% of handgun shootings but constituted only 17% of national handgun production during this period.¹³ The ready availability of handguns in the home appears to contribute to their involvement in both unintentional shootings and homicide.¹⁴ Therefore, efforts to reduce firearm availability might best be focused on handguns.

Within the year, handguns made largely of plastic may be widely available at a relatively low cost.^{15,16} Children are likely to encounter these handguns, which are promoted by their manufacturer as "dishwasher safe" and by others as "particularly attractive for

women to use as a self-defense weapon."¹⁷ Because of their composition and light weight, these firearms may resemble toys even more closely than do those now on the market. Before they are introduced, their unique potential for aggravating the problem we have described should be considered.

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Public Health Briefs

The Incidence of Defensive Firearm Use by US Crime Victims, 1987 through 1990

ABSTRACT

It is well known that many crimes in the United States are committed with firearms. Less adequately documented is the frequency with which victims use guns in self-defense. We used National Crime Victimization Survey data to examine incidents where victims employed guns against offenders. Between 1987 and 1990 there were an estimated 258 460 incidents of firearm defense, an annual mean of 64 615. Victims used firearms in 0.18% of all crimes recorded by the survey and in 0.83% of violent offenses. Firearm self-defense is rare compared with gun crimes. (*Am J Public Health*. 1994;84:1982-1984)

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Introduction

Civilian firearm ownership in the United States carries with it the cost of criminal violence. In 1990, gun-wielding offenders victimized 817 200 persons, killing 12 800 and nonfatally injuring 239 400.^{1,2} Observers often cite this carnage to justify stricter gun control policies.³

Yet guns also may have benefits in defending against crime. Armed victims can thwart offenders, perhaps averting injuries that they would otherwise have suffered. The prospect of firearm resistance may even prevent some crimes from occurring at all. Critics of firearm control often stress these possibilities.⁴

The incidence of firearm resistance is important in comparing the crime-related costs and benefits of private guns. Criminal offenders may be less likely to obey firearm laws than are other citizens. If firearm defense is common, limiting access to guns may then make the law-abiding population more vulnerable to harm.

We used the National Crime Victimization Survey to study defensive firearm use. We were interested in the incidence of defense and the situations in which it occurred.

Methods

The National Crime Victimization Survey is a multistage probability sample of 59 000 housing units in the United States. It is conducted by the US Bureau of the Census for the US Bureau of Justice Statistics. Its primary use is to estimate the incidence of crime in the nation.^{2,5}

Housing units remain in the National Crime Victimization Survey for 3 years, and residents aged 12 or older are interviewed at 6-month intervals. Respon-

dents who report an attempted or completed victimization answer detailed questions about the incident. The Victimization Survey gathers data on six crimes: rape, robbery, assault, burglary, personal and household larceny, and motor vehicle theft.

If victims report seeing an offender, Victimization Survey interviewers ask, "Was there anything you did or tried to do about the incident while it was going on?"⁶ Victims who say that they took action then describe what they did. Interviewers code these responses into 1 or more of 16 categories, including "attacked offender with gun; fired gun" and "threatened offender with gun." The interviewers continue asking "anything else?" until the victims report no further action.

The survey follows these questions with an additional probe: "Did you do anything (else) with the idea of protecting yourself or your property while the incident was going on?" Again, victims who respond affirmatively are requested to describe their activities.

Our study examined the 4 years from 1987 through 1990. We measured firearm protection as an attempted or completed crime in which the victim reported using a gun to attack or threaten an offender.

Our estimates are criminal incident counts, weighted to represent the population at risk.² The estimates for personal crimes (robbery, rape, assault, and personal larceny) represent the resident noninstitutional population of the United

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States, aged 12 or older. The estimates for household crimes (burglary, household larceny, and motor vehicle theft) represent the nation's housing units. We computed standard errors by using the generalized variance formulas of the US Bureau of Justice Statistics.⁵

Unlike most published National Crime Victimization Survey estimates, we included series victimizations. These are three or more similar crimes that the victim cannot recall separately.⁵ Because respondents cannot accurately describe each offense, we counted a series victimization as a single incident.

Results

National Crime Victimization Survey Estimates

From 1987 through 1990 there were an estimated 258 460 incidents of firearm resistance, a mean of 64 615 annually (Table 1). During the same period there were an estimated 143 995 448 incidents of crime. Thus, fewer than 2 victims in 1000 defended themselves with guns.

Considering violent crimes alone, an estimated 23 011 377 rapes, robberies, and assaults occurred over the period. Victims used firearms for self-defense in 190 483 of these (47 620 per year), 0.83 percent of the total.

The estimates for defense against rape, personal larceny, and motor vehicle theft each rest on fewer than 10 sample cases. The standard errors for these crimes should be cautiously interpreted, because 95% confidence intervals will include negative values.

About 71% of the defensive incidents involved crimes by strangers (Table 2). The remaining incidents with known relationships were divided almost evenly between casual acquaintances and persons well known to the victim. Victims shot at offenders in 71 549 incidents (17 887 per year), 28% of the cases.

The National Crime Victimization Survey includes self-defense by police officers in the line of duty. Although the survey does not provide detailed occupational information, we could identify government employees who used guns to resist crimes at work. There were an estimated 50 626 such incidents over the period, about 20% of the protective cases. If these incidents involve police officers—as seems likely—the annual estimate of civilian use drops to 51 959.

TABLE 1—National Crime Victimization Survey Estimates of Number of Self-Defensive Firearm Incidents, by Type of Crime

Type of Crime	No. of Incidents, 1987–1990	SE	Mean No. of Incidents per Year
Rape ^a	7 552	5 359	1 888.00
Robbery	30 900	9 505	7 725.00
Assault	152 031	30 290	38 007.75
Personal larceny ^a	2 056	3 581	514.00
Burglary	34 259	12 104	8 564.75
Household larceny	28 139	12 960	7 034.75
Motor vehicle theft ^a	3 523	3 660	880.75
Total	258 460	41 012	64 615.00

^aEstimate based on fewer than 10 sample cases.

TABLE 2—National Crime Victimization Survey Estimates of Number of Self-Defensive Firearm Incidents, by Victim–Offender Relationship and by Use of Gun

	No. of Incidents, 1987–1990	SE	Mean No. of Incidents per Year
Relationship between victim and offender			
Stranger	182 368	34 452	45 592.00
Casual acquaintance	23 003	12 237	5 750.75
Well known	24 955	12 746	6 238.75
Undetermined	28 134	13 533	7 033.50
Manner in which victim used firearm			
Discharged firearm	71 549	21 581	17 887.25
Used firearm only to threaten offender	186 911	34 878	46 727.75

Evaluation of Biases in the National Crime Victimization Survey Estimates

Assault is the least completely reported crime in the National Crime Victimization Survey, and underreporting is especially large for assaults by relatives and other nonstrangers.^{5,6} If assaults involving firearm resistance are similar to other assaults, Victimization Survey estimates of gun defense will be downwardly biased.

According to our estimates, there was an annual mean of 1 886 incidents of firearm defense against assaults by friends and relatives. Although underreporting cannot be accurately measured, a rough way to gauge its effect is to weight these incidents by some correction factor.

One test of the accuracy of the National Crime Victimization Survey examined persons already known to be victims from records in police files.⁷ These known victims reported to the survey only 22.2% of the domestic assaults recorded by the police. Applying a weight of 4.5

(that is, 1/.222) to defenses against assaults by family or friends increases the total annual estimate of firearm resistance to 71 216 incidents.

This "correction" is of limited value. Police records are themselves inaccurate, and other procedures would produce other results. Still, the correction emphasizes the infrequency of firearm defense against assaults by friends or family. More extreme weighting factors would not greatly change the findings.

Popular discussions of firearm resistance often concentrate on crimes by strangers. The National Crime Victimization Survey estimate of 45 592 annual incidents involving strangers is less vulnerable to response error than is the non-stranger estimate, and it is of considerable interest by itself.

Other sampling and nonsampling errors also affect the National Crime Victimization Survey. For example, the survey may often miss individuals involved in deviant or criminal lifestyles.⁸ These

persons face high victimization risk, and omitting them might underestimate firearm defense. On the other hand, the Victimization Survey considers only the respondent's point of view, and in some assaults it is difficult to distinguish the victim from the offender. Here the survey might overestimate resistance.

We cannot assess the impact of these errors. Yet given the magnitude of the estimates, we believe that any bias more likely involves tens of thousands of incidents rather than hundreds of thousands.

Discussion

Cook used the National Crime Victimization Survey to examine firearm defense against burglaries, robberies, and assaults.⁹ Our results are compatible with his, but they consider a wider range of crimes.

Yet our estimates are much smaller than those by Kleck, who concluded that there may be one million defensive incidents each year.^{10,11} Kleck's findings are widely cited in scholarly and popular media,¹²⁻¹⁷ and it is useful to consider his procedures.

Kleck derived his estimates from a survey that posed the following question to 1228 registered voters¹⁸:

Within the past five years have you, yourself, or another member of your household used a handgun, even if it was not fired, for self-protection or for the protection of property at home, work, or elsewhere, excluding military service and police security work?

Four percent of the respondents reported handgun self-protection.

Kleck assumed that protective incidents were spread evenly over the 5 years and that households could experience only one incident. If this were true, a proportion of .008 households used handguns for protection each year. Kleck multiplied .008 by the number of households recorded in the 1980 census, and he weighted the result by estimates of national handgun and long-gun ownership. In two analyses with slightly different assumptions, Kleck computed total annual estimates of 999 068 and 783 000 incidents of firearm protection.

Unfortunately, Kleck's survey question did not confine self-defense to attempted victimizations. Merchants who arm themselves before making night bank deposits might view this as self-protection even if they have never encountered a robber. Motorists who carry guns in their cars might assert that they use the weapons for protection although they

have never displayed them. Persons who have used firearms to settle arguments might believe that they have prevented assaults. In a survey of prison inmates, 63% of those who fired guns during crimes described their actions as self-defense.¹⁹

Kleck's findings rest on 49 respondents, and any person who reported self-defense without a victimization would noticeably influence the results. National Crime Victimization Survey interviewers ask about self-defense only when respondents report a crime, and the survey screens out acts that are not illegal. We believe that the Victimization Survey provides a stronger basis for inference than do Kleck's methods.

Implications of the National Crime Victimization Survey Estimates

The National Crime Victimization Survey estimates imply that firearms should not be disregarded as a defense against crime. From 1987 through 1990, there were an estimated 258 460 incidents of armed resistance. In 71 549 of these, victims believed themselves to be in enough peril to fire their weapons.

Yet the results also show that defensive gun use is infrequent compared with the incidence of crime. The National Crime Victimization Survey yields an estimate of 2 628 532 nonfatal gun crimes from 1987 through 1990. Adding to this the 46 319 firearm homicides over the period, gun offenses exceeded protective incidents by more than 10 to 1.^{1,20-22}

Further, there were an estimated 500 206 National Crime Victimization Survey incidents in which the offender shot at or wounded the victim. Including homicides, criminal shootings were thus 7.6 times more frequent than were shootings in self-defense.

Altogether, our results suggest that criminals face little threat from armed victims. The probability of firearm resistance is not zero. Yet given that half of US households own a gun, armed self-defense is extremely uncommon.⁹ Coupled with the risks of keeping a gun for protection, these results raise questions about the collective benefits of civilian firearm ownership for crime control.²³⁻²⁶ □

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SPECIAL ARTICLE

SUICIDE IN THE HOME IN RELATION TO GUN OWNERSHIP

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Abstract Background. It has been suggested that limiting access to firearms could prevent many suicides, but this belief is controversial. To assess the strength of the association between the availability of firearms and suicide, we studied all suicides that took place in the homes of victims in Shelby County, Tennessee, and King County, Washington, over a 32-month period.

Methods. For each suicide victim (case subject), we obtained data from police or the medical examiner and interviewed a proxy. Their answers were compared with those of control subjects from the same neighborhood, matched with the victim according to sex, race, and age range. Crude and adjusted odds ratios were calculated with matched-pairs methods.

Results. During the study period, 803 suicides occurred in the two counties, 565 of which (70 percent) took place in the home of the victim. Fifty-eight percent (326) of these suicides were committed with a firearm. After ex-

cluding 11 case subjects for various reasons, we were able to interview 80 percent (442) of the proxies for the case subjects. Matching controls were identified for 99 percent of these subjects, producing 438 matched pairs. Univariate analyses revealed that the case subjects were more likely than the controls to have lived alone, taken prescribed psychotropic medication, been arrested, abused drugs or alcohol, or not graduated from high school. After we controlled for these characteristics through conditional logistic regression, the presence of one or more guns in the home was found to be associated with an increased risk of suicide (adjusted odds ratio, 4.8; 95 percent confidence interval, 2.7 to 8.5).

Conclusions. Ready availability of firearms is associated with an increased risk of suicide in the home. Owners of firearms should weigh their reasons for keeping a gun in the home against the possibility that it might someday be used in a suicide. (N Engl J Med 1992;327:467-72.)

EACH year more than 29,000 Americans kill themselves, making suicide the eighth leading cause of death in the nation.^{1,2} Despite the widespread adoption of telephone crisis lines,³ school-based intervention programs,^{4,5} and newer varieties of antidepressant medication,⁶ rates of suicide continue to increase.⁸ In the United States, more people kill themselves with guns than by all other methods combined.^{1,8} From 1968 through 1985, the rate of suicide involving firearms increased 36 percent, whereas the rate of suicide involving other methods remained constant.⁹ Among adolescents and young adults, rates of suicide by firearms doubled during the same period.¹

In the light of these facts, some suggest that limiting access to firearms could prevent many suicides.^{8,10-15} Others question this notion, arguing that if guns were less readily available, suicidal persons would simply work harder to acquire a gun or kill themselves by other means.¹⁶⁻¹⁸

Although the risk of suicide varies according to age, sex, and race, the link between readily available firearms and suicide is less clear.^{19,20} Previous groups

have studied variations in the rates of gun ownership and suicide in populations separated by geography¹¹⁻¹³ or time.¹⁰⁻¹⁵ Their findings are limited, however, by the wide variety of potentially confounding variables that characterize large populations.¹⁹ Furthermore, hazards suggested by ecologic analysis may not hold at the level of individual households or people.²¹

If access to firearms increases the risk of suicide, then the rate of suicide should be higher in homes with guns than in homes without guns. To determine whether this is the case, we conducted a population-based, case-control study in two geographically and demographically distinct metropolitan counties.

METHODS

Case Identification

Shelby County, Tennessee, and King County, Washington, are the most populous counties in their states, containing the cities of Memphis and Seattle, respectively. Although both counties are urban in character, King County is predominantly white and enjoys a relatively high standard of living. In contrast, Shelby County has a large black minority, and a substantial proportion of its citizens live below the poverty level (Table 1).^{22,23}

All suicides involving a resident of either county that occurred between August 23, 1987, and April 30, 1990, were studied to identify those that took place in the home of the victim. Any death ruled a suicide was included, regardless of the method used. Self-inflicted injuries that were not immediately fatal were included if death followed within three months. Cases in which there was potential litigation over the official cause of death were excluded at the request of the medical examiners.

Case Selection and Recruitment of Case Proxies

A home was defined as any house, apartment, or dwelling occupied by a victim (a case subject) as that person's principal residence. Suicides occurring in adjacent structures (e.g., a garage) or

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the surrounding yard were also included. In the event of a murder-suicide, the suicide victim was included only if older than the murder victim; in double suicides, only the older victim was included.

Reports made at the scene were collected to ensure that the study criteria were met. In King County, the medical examiner's staff conducted all investigations of the scene. In Shelby County, police officers conducted the investigations. In addition to data obtained at the scene, investigators obtained the names of persons close to the victim who might provide an interview at a later date. These lists were supplemented with names obtained from newspaper accounts, obituaries, and calls to funeral homes. In this way, proxies for the victims were identified.

Approximately three weeks after each death, those chosen to be interviewed were sent a signed letter that outlined the nature of the project. A \$10 incentive was offered, and a follow-up telephone call was made a few days later to arrange a time and place for the interview. At the time of this meeting, informed consent was obtained. The proxies were told that they could decline to answer any question. They were also free to terminate the interview at any time.

Selection and Recruitment of Controls

After each interview with a case proxy, we sought a control subject matched with the case subject according to sex, race, age range (0 to 14, 15 to 24, 25 to 40, 41 to 60, and 61 years or older), and neighborhood of residence. To minimize selection bias, the controls were identified by a previously validated procedure for the random selection of matching households in nearby locations.^{24,25} After marking off a one-block avoidance zone around the home of the case subject, the interviewers started a neighborhood census at a randomly selected point along a predetermined route radiating out from the case subject's residence. Households in which no one was home were visited twice more, at different times of day and on different days of the week. After the census was completed, an adult (18 years old or older) in the first household in which a member met the matching criteria was offered a \$10 incentive and asked to consent to an interview. Whenever possible, attempts were made to interview someone other than the actual matching control subject (a control proxy). When no interview was granted, the next matching household on the route was approached.

Interviews

The interviews with proxies for case subjects and their controls were virtually identical in format, order, and content. Each was brief, highly structured, and arranged so that the more sensitive

questions were not broached until later in the interview. Items drawn from the Short Michigan Alcoholism Screening Test,²⁶ the Hollingshead two-factor index of social position,²⁷ and a 1978 poll by Decision Making Information²⁸ were included. Particularly sensitive questions were preceded by "permissive" statements, such as the following: "Half of all homes in America contain one or more firearms. Are guns of any kind kept in your home?" To confirm the reliability of the interviewers, supervisory personnel conducted a random sample of 10 percent of those interviewed and administered an abbreviated form of the questionnaire. The rate of concordance between these responses and those given to the interviewers equaled or exceeded 96 percent.

Statistical Analysis

Reports from the scene of the suicide were analyzed for descriptive purposes only. Interview data were used in the risk assessment because these were collected in an analogous manner from the case proxies and the controls. Since any member of a control household might decide to remove firearms from the home after a death in the neighborhood, the answers were adjusted to reflect the state of affairs on the date of each suicide. Mantel-Haenszel chi-square analysis was used to calculate the crude odds ratio associated with each variable. Subsequent multivariate analyses used conditional logistic regression, the appropriate technique for a matched-pairs design.²⁹

Potentially confounding variables were identified and controlled for through a three-step process. First, models containing closely related variables (such as those describing the use of alcohol in the home) were constructed to identify the variable or variables in each set that were most predictive of being a case subject or a control. Whenever both measures of exposure pertaining to the individual and measures pertaining to the household were found to be significant, only the variable describing exposure for the individual was retained. Next, a model that incorporated the variables selected in this initial step was constructed, to select the variables that remained significant after we controlled for the effects of the remaining variables in the model. Finally, a third model was constructed in which gun ownership was added to the list of covariates to assess the relation between firearms and suicide in the home after adjustment for the effects of the remaining variables. At this stage, we also looked for two-way interaction terms and checked to see whether there was an interaction between gun ownership and any of the matching variables.

After calculating an adjusted odds ratio for suicide based on all the pairs for which data were complete (360 pairs), we analyzed a series of subgroups representing various strata in the full study sample. To exclude the possibility of confounding due to preexisting mental illness or depression, we calculated the relative odds of suicide among case subjects who had no history of psychiatric problems. To limit bias resulting from potentially faulty reporting about case subjects who lived alone, we conducted an analysis restricted to pairs in which interviews were obtained with proxies who lived in the same home as the victim. To determine whether gun ownership was associated with an increased risk of suicide by means other than firearms, an analysis stratified according to the method of suicide was also conducted.

After these calculations, we performed three final analyses to see whether different patterns of gun ownership or storage were associated with a greater or lesser risk of suicide. In each comparison we used the final model as previously defined, but we subdivided gun ownership into three categories instead of comparing owners with nonowners. One analysis compared handgun ownership, ownership only of long guns, and ownership of no guns. A second compared ownership of loaded guns, ownership of unloaded guns, and ownership of no guns. The third compared guns kept in a locked place, guns kept in an unlocked place, and no guns.

RESULTS

Study Population

Eight hundred three suicides took place during the 32 months of our study. In King County, 555 suicides were identified, 385 of which (69 percent) occurred in the home of the victim. In Shelby County, 248 sui-

Table 1. Characteristics of Shelby County, Tennessee, and King County, Washington, as of 1980.*

CHARACTERISTIC	SHELBY COUNTY	KING COUNTY
Population		
Total	777,113	1,269,749
Major city	646,356 (Memphis)	493,846 (Seattle)
Racial composition		
Whites		
Male	216,432	551,546
Female	229,026	570,465
All	445,458 (57.3%)	1,122,011 (88.4%)
Blacks		
Male	151,247	28,296
Female	173,417	27,654
All	324,664 (41.8%)	55,950 (4.4%)
Native Americans, Eskimos		
Male	425	6,095
Female	341	6,342
All	766 (0.1%)	12,437 (1.0%)
Asians, Pacific Islanders		
Male	1,829	28,909
Female	2,033	29,803
All	3,862 (0.5%)	58,712 (4.6%)
Other	2,363 (0.3%)	20,639 (1.6%)
No. of households	268,871	498,221
Median income	\$15,289	\$20,717
% of families below poverty level	15.3	5.0

*Sources: 1980 census 12, 23

cides occurred, 180 of which (73 percent) took place in the victim's home. After we excluded the younger victims in five cases of double death, one case involving delayed death, three cases already excluded by the medical examiner's staff, and two cases determined long after the time of death to have involved suicide, 554 cases of suicide were available for study (Table 2).

Most of the suicides we studied occurred at the victim's residence. One fourth were committed in an adjoining yard, an accessory building, or a place of work attached to the home. Notes were left in 36 percent of cases. A gun was the means of death most commonly used; slightly more than half of all suicides in the home in King County involved a firearm, as did 73 percent of those in Shelby County. Handguns were used in 72 percent of the suicides involving a firearm. In four of every five such suicides, the investigators specifically noted that the gun had been kept in the victim's home. In the remaining 20 percent of cases, the origin of the firearm was not noted.

Comparability of Case Subjects and Controls

Eighty-three percent of proxies for the case subjects in King County and 73 percent of those in Shelby County agreed to be interviewed. The households of those who agreed to an interview and the households of those who did not agree did not differ with respect to the age, sex, or method of death (firearm vs. other means) of the victim. Those who declined to be interviewed, however, were somewhat more likely to be black (13.4 percent, vs. 8.1 percent among those who were interviewed).

Interviews with matching controls or their proxies were obtained for 99 percent of the case subjects, yielding 438 matched pairs. Four hundred four pairs were matched for all three variables, 33 for two variables, and 1 for a single variable only (sex). The demographic characteristics of the households of the case subjects and controls were highly similar, except that 36 percent of the case subjects lived alone, as compared with only 18 percent of the matching controls (Table 3). Although every effort was made to conduct the interviews in person, the proxies for case subjects were more likely than controls or their proxies to request a telephone interview (39 percent vs. 10 percent). Despite efforts to interview proxies for each matching control, only 50 percent of the control interviews were conducted in this manner. However, similar rates of gun ownership were reported in telephone interviews and face-to-face interviews, and the proxies for the controls reported rates of gun ownership similar to those reported by the controls themselves.

Univariate Analysis

Univariate comparisons revealed that alcohol was more commonly consumed in the households of case subjects than in those of controls. Alcohol was also more commonly consumed by case subjects than by matching controls. Behavioral correlates of alcoholism (such as trouble at work, problems at home, or hospitalization due to drinking) were also reported by

Table 2. Suicides Committed in the Home of the Victim from August 23, 1987, through April 30, 1990.

VARIABLE	SHELBY COUNTY	KING COUNTY
No. of suicides in county	248	555
No. committed away from home	68	170
By firearms	48 (71%)	61 (36%)
By other means	20 (29%)	109 (64%)
No. committed at home	180	385
By firearms	131 (73%)	195 (51%)
By other means	49 (27%)	190 (49%)
No. of cases excluded	2	9
Double violent death	0	5
Not reported by office staff	1	2
Late change in death certificate	0	2
Delayed death	1	0
No. of home suicides studied	178	376
No. of households interviewed	130 (73%)	312 (83%)
No. not interviewed	48 (27%)	64 (17%)
Refused interview	39	56
Medical examiner's request	1	6
No key respondent	6	1
Other	2	1

substantially higher percentages of the proxies of case subjects than of controls. Illicit-drug use was reported by 19.2 percent of case proxies but by only 3.1 percent of matched controls.

To the question "Many people occasionally have quarrels or fights — has anyone in this household ever been hit or hurt in a fight in the home?" 13.6 percent of the case proxies answered in the affirmative, but only 3.9 percent of controls. The combination of alcohol and domestic violence was particularly striking. Almost 15 percent of case proxies reported physical fights while drinking, as compared with only 1.2 percent of matched controls.

The case subjects were far more likely than the con-

Table 3. Demographic Characteristics of 438 Pairs of Case Subjects and Controls.

CHARACTERISTIC	CASE SUBJECTS	CONTROLS
Sex (%)		
Male	72	72
Female	28	28
Race or ethnic group (%)		
White	89	90
Black	8	8
Hispanic	1	1
Asian	2	1
Other	<1	<1
Age group (%)		
0-14	1	1
15-24	16	15
25-40	25	26
41-60	25	24
≥61	33	34
Head of household		
Education (median yr)	12.9	13.5
Median socioeconomic status*	3.4	3.1
Type of dwelling (%)		
House	59	65
Other	41	35
Median no. of residents per room	0.38	0.50
Percent living alone	36	18
Type of interview (%)		
Proxy	100	50
Telephone	39	10

*Measured by the Hollingshead score on a scale from 1 to 5, with 1 as the highest score.²

trols to have been arrested (27.8 percent vs. 8.5 percent). A history of depression or mental illness was reported for 83.5 percent of the case subjects but for only 6.4 percent of the controls. Thirty-six percent of the case subjects took prescribed psychotropic medication, as compared with 3.5 percent of matched controls.

Sixty-five percent of the case subjects had had one or more firearms in their home, as compared with 41 percent of the matched controls (crude odds ratio, 3.2; 95 percent confidence interval, 2.4 to 4.4). Handguns were kept in 49.5 percent of case households but only 23.4 percent of control households (crude odds ratio, 3.7; 95 percent confidence interval, 2.7 to 5.1). In homes with firearms, a gun was the method chosen for suicide in 86 percent of cases. In homes where firearms were not usually kept, only 6 percent of case subjects killed themselves with a gun. The last 172 case proxies to be interviewed were asked how long a gun had been kept in the victim's home. Only 5 of the 162 who answered (3 percent) reported that the gun had been obtained within two weeks of the suicide.

Multivariate Analysis

Six potentially confounding variables were retained in our final conditional logistic-regression model: failure to graduate from high school, living alone, consumption of alcoholic beverages, previous hospitalization due to drinking, current use of prescription medication for depression or mental illness, and use of illicit drugs. Each of these variables was strongly and independently associated with an increased risk of suicide in the home. Our final model did not include any interaction terms between gun ownership and these covariates or between gun ownership and the matching variables (Table 4). Controlling for the effects of these six covariates revealed that keeping one or more firearms was strongly associated with an increased risk of suicide in the home (adjusted odds ratio, 4.8; 95 percent confidence interval, 2.7 to 8.5). Stratified analyses using the same model demonstrated that the presence of guns in the home was associated with an increased risk of suicide among women as well as men,

across all age strata, and among whites (Table 5). No subgroup analysis limited to nonwhites could be performed. Restricting the analysis to matched pairs with data obtained from case proxies who lived in the home of the victim verified the association. Another analysis restricted to case subjects with no history of depression or mental illness revealed that guns were even more strongly associated with suicide in this group than in the study population overall. An analysis stratified according to the method of suicide revealed that the link between gun ownership and suicide was entirely due to much higher odds of suicide with a firearm. Suicide by any other means was not significantly associated with the presence of a gun in the home (Table 5).

Subsequent analyses revealed that case subjects in households with loaded firearms (odds ratio, 9.2) were at higher risk of suicide than those in homes with unloaded firearms (odds ratio, 3.3), as compared with those in homes with no guns (Table 6). Households with guns kept in an unlocked place were associated with a higher risk of suicide than households in which guns were kept in a locked place, and homes with one or more handguns were associated with a risk of suicide almost twice as high as that in homes containing only long guns. However, homes with guns of any sort were associated with a significantly higher risk of suicide than homes without guns, regardless of the type of gun or the method of storage.

DISCUSSION

Our study was restricted to suicides occurring in the victim's home because a previous study has indicated that most suicides committed with guns occur there³⁰ and because almost half the homes in America contain one or more firearms.²⁸ If readily available firearms increase the risk of suicide, this effect should be most noticeable in an environment where guns are commonly kept. Our results offer strong evidence that the ready availability of guns increases the risk of suicide in the home. Homes with handguns and homes where firearms were not locked up or were kept loaded were even more likely to be the scene of a suicide than homes where firearms were kept securely stored. Few victims acquired their guns within hours or days of their death; the vast majority had guns in the home for months or years.

Case-control studies offer many advantages over geographic comparisons and time-series designs, but they are prone to potential sources of bias.³¹ We minimized selection bias by including all victims of suicide in the home as eligible case subjects and by using an explicit protocol for the random selection of matched controls. High response rates for both case proxies and controls (80 percent) limited any potential nonresponse bias. To minimize differential recall between case proxies and controls, we delayed our interview to allow for the initial grief process and selected relatively objective variables for our final regression analysis.

The possible misreporting of sensitive information

Table 4. Variables Included in the Final Conditional Logistic-Regression Model Derived from Data on 360 Matched Pairs of Case Subjects and Controls.*

VARIABLE	ADJUSTED ODDS RATIO	95% CONFIDENCE INTERVAL
Did not graduate from high school	4.1	1.8-9.8
Lives alone	5.3	2.6-10.9
Drinks alcohol	2.3	1.2-4.1
Previous hospitalization due to drinking	16.4	3.2-85.3
Psychotropic medication prescribed	35.9	13.5-95.6
Active use of illicit drugs	10.0	3.5-28.7
Gun kept in the home	4.8	2.7-8.5

*Conditional logistic-regression analysis requires that data on all the variables of interest be available for both case subjects and their matched controls. Seventy-eight pairs with missing data on any of the seven variables of interest were excluded from this analysis.

Table 5. Suicide in the Home in Relation to Gun Ownership, According to Subgroup.

SUBGROUP	No. OF PAIRS	ADJUSTED ODDS RATIO* (95% CONFIDENCE INTERVAL)
Sex		
Women	104	3.3 (1.3-8.7)
Men	256	6.4 (3.0-13.4)
Race		
Whites	323	5.2 (2.8-9.8)
Blacks†	37	—
Age (yr)		
0-24	61	10.4 (1.6-68.8)
25-40	90	7.2 (1.2-44.0)
41-60	91	4.0 (1.3-12.3)
≥61	118	6.6 (2.4-18.3)
Mental illness		
History	297	3.0 (1.6-5.7)
No history	63	32.8 (4.6-232.8)
Residence of case proxy		
In victim's home	175	7.4 (2.9-18.6)
Outside victim's home	185	4.1 (1.6-10.23)
Means of suicide		
Firearms	209	69.5 (10.9-444.3)
Other	151	0.7 (0.2-1.7)

*All results were calculated by conditional logistic regression after controlling for the covariates listed in the table.

†No valid odds ratio for suicide involving blacks could be determined because of the small number of matched pairs, the large number of covariates, and the high degree of collinearity between covariates in this subgroup.

by controls was our greatest concern, since we had no way to verify their accounts independently. The underreporting of risk factors such as a history of family violence, alcohol abuse, or illicit-drug use would amplify the apparent effects of these factors among the case subjects and bias our adjusted odds ratio for gun ownership toward the null hypothesis. In contrast, underreporting of gun ownership among controls would tend to bias the odds ratio upward. For two reasons, we think misreporting of gun ownership was not a problem. First, in a pilot study of owners of registered handguns, we demonstrated that responses to our questions about gun ownership were generally valid.³² Second, the rates reported by our control subjects in both cities for gun ownership in general and handgun ownership in particular are comparable to those noted in earlier social surveys³³ and are higher than those predicted by Cook's 1979 gun-prevalence index.³⁴

Three additional limitations warrant comment. This study addresses only suicides in the home and does not examine the relation between the availability of firearms and suicides out of the home. However, during the study period the proportion of out-of-home suicides involving firearms in each county exceeded the prevalence of gun ownership in the respective control group. Second, our research was conducted in two metropolitan counties with relatively small rural populations. Therefore, our conclusions may not be generalizable to rural communities. Finally, we cannot exclude the possibility that gun owners (and people who live in homes with guns) may be psychologically predisposed to commit suicide. Although this idea seems unlikely, one cannot readily control for "psychological confounding" of this sort in a case-control study.

The odds ratio associated with the presence of one or more firearms in the home increased from 3.2 to 4.8 after adjustment for confounding variables. An explanation of this effect can be found by examining the relation between gun ownership and two of the risk factors included in our final regression model. Use of psychotropic medication and the presence of guns in the home were both risk factors for suicide, but persons taking psychiatric medication were actually less likely to live in a home with a firearm than those not taking such medication. This was especially true among the case subjects. Fewer case subjects and controls who lived alone owned guns than did persons living with others. Since both living alone and taking psychotropic medication were strongly associated with suicide but negatively correlated with gun ownership, controlling for their effects increased the apparent strength of the association between suicide and the presence of a gun in the home.

Two case-control studies have previously explored the relation between firearms in the home and suicide. In 1988, Brent and colleagues reported that guns were more likely to be present in the homes of adolescent suicide victims than in the homes of demographically similar suicidal inpatients.³⁵ They subsequently verified this finding in a larger series of adolescent suicide victims, a group who had attempted suicide, and a third group of nonsuicidal controls with other psychiatric illnesses.³⁶

In our previous study, we compared suicide rates in King County, Washington, and Vancouver, British Columbia, and found little evidence of a link between firearm regulations and rates of suicide in the community.¹³ However, the ecologic analysis employed in that study is best used to generate hypotheses.²¹ Validation requires a more rigorous study design, such as the one used here.

The ready availability of firearms appears to be associated with an increased risk of suicide in the home. Although this risk is present in households where there is mental illness, it is also evident in households in which no one was previously known to be mentally ill or depressed. People who own firearms

Table 6. Risk of Suicide in the Home in Relation to Various Patterns of Gun Ownership.

VARIABLE*	ADJUSTED ODDS RATIO†	95% CONFIDENCE INTERVAL
Type of guns in the home		
One or more handguns	5.8	3.1-4.7
Long guns only	3.0	1.4-6.5
No guns in the home	1.0	—
Loaded guns		
Any gun kept loaded	9.2	4.1-20.1
All guns kept unloaded	3.3	1.7-6.1
No guns in the home	1.0	—
Locked guns		
Any gun kept unlocked	5.6	3.1-10.4
All guns kept locked up	2.4	1.0-5.7
No guns in the home	1.0	—

*For each variable shown, a group of persons living in homes without firearms was used as a reference category.

†The same model and the same 360 case-control pairs used in the final conditional logistic regression equation were used for these analyses.

should carefully weigh their reasons for keeping a gun in the home against the possibility that it may someday be used in a suicide.

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SPECIAL ARTICLE

GUN OWNERSHIP AS A RISK FACTOR FOR HOMICIDE IN THE HOME

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Abstract Background. It is unknown whether keeping a firearm in the home confers protection against crime or, instead, increases the risk of violent crime in the home. To study risk factors for homicide in the home, we identified homicides occurring in the homes of victims in three metropolitan counties.

Methods. After each homicide, we obtained data from the police or medical examiner and interviewed a proxy for the victim. The proxies' answers were compared with those of control subjects who were matched to the victims according to neighborhood, sex, race, and age range. Crude and adjusted odds ratios were calculated with matched-pairs methods.

Results. During the study period, 1860 homicides occurred in the three counties, 444 of them (23.9 percent) in the home of the victim. After excluding 24 cases for various reasons, we interviewed proxy respondents for 93 percent of the victims. Controls were identified for 99

percent of these, yielding 388 matched pairs. As compared with the controls, the victims more often lived alone or rented their residence. Also, case households more commonly contained an illicit-drug user, a person with prior arrests, or someone who had been hit or hurt in a fight in the home. After controlling for these characteristics, we found that keeping a gun in the home was strongly and independently associated with an increased risk of homicide (adjusted odds ratio, 2.7; 95 percent confidence interval, 1.6 to 4.4). Virtually all of this risk involved homicide by a family member or intimate acquaintance.

Conclusions. The use of illicit drugs and a history of physical fights in the home are important risk factors for homicide in the home. Rather than confer protection, guns kept in the home are associated with an increase in the risk of homicide by a family member or intimate acquaintance. (N Engl J Med 1993;329:1084-91.)

HOMICIDE claims the lives of approximately 24,000 Americans each year, making it the 11th leading cause of death among all age groups, the 2nd leading cause of death among all people 15 to 24 years old, and the leading cause of death among male African Americans 15 to 34 years old.¹ Homicide rates declined in the United States during the early 1980s but rebounded thereafter.² One category of homicide that is particularly threatening to our sense of safety is homicide in the home.

Unfortunately, the influence of individual and household characteristics on the risk of homicide in the home is poorly understood. Illicit-drug use, alcoholism, and domestic violence are widely believed to increase the risk of homicide, but the relative importance of these factors is unknown. Frequently cited options to improve home security include the installation of electronic security systems, burglar bars, and reinforced security doors. The effectiveness of these protective measures is unclear, however.

Many people also keep firearms (particularly handguns) in the home for personal protection. One recent survey determined that handgun owners are twice as

likely as owners of long guns to report "protection from crime" as their single most important reason for keeping a gun in the home.³ It is possible, however, that the risks of keeping a firearm in the home may outweigh the potential benefits.⁴

To clarify these issues, we conducted a population-based case-control study to determine the strength of the association between a variety of potential risk factors and the incidence of homicide in the home.

METHODS

Identification of Cases

Shelby County, Tennessee; King County, Washington; and Cuyahoga County, Ohio, are the most populous counties in their respective states. The population of King County is predominantly white and enjoys a relatively high standard of living. In contrast, 44 percent of the population of Shelby County and 25 percent of the population of Cuyahoga County are African American. Fifteen percent of the households in Shelby County and 11 percent in Cuyahoga County live below the poverty level, as compared with 5 percent in King County.^{5,7}

All homicides involving residents of King County or Shelby County that occurred between August 23, 1987, and August 23, 1992, and all homicides involving residents of Cuyahoga County that occurred between January 1, 1990, and August 23, 1992, were reviewed to identify those that took place in the home of the victim. Any death ruled a homicide was included, regardless of the method used. Assault-related injuries that were not immediately fatal were included if death followed within three months. Cases of homicide involving children 12 years of age or younger were excluded at the request of the medical examiners.

Selection of Case Subjects and Recruitment of Case Proxies

A home was defined as any house, apartment, or dwelling occupied by a victim (i.e., a case subject) as that person's principal residence. Homicides occurring in adjacent structures (e.g., a ga-

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rage) or the surrounding yard were also included. Murder-suicides and multiple homicides were considered a single event. In the case of a murder-suicide, the homicide victim was included if he or she was older than the suicide victim; in multiple homicides, the oldest victim was included.

Reports made at the scene were collected to ensure that study criteria were met. In King County, the medical examiner's staff conducted all investigations of the homicide scene. In Shelby County and Cuyahoga County, police detectives conducted these investigations. In addition to recording the details of the incident for law-enforcement purposes, investigators obtained the names of persons close to the victim who might provide us with an interview at a later date, thereby serving as proxies for the victim. These lists were supplemented with names obtained from newspaper accounts, obituaries, and calls to funeral homes.

Approximately three weeks after a victim's death, each proxy was sent a signed letter outlining the nature of the project. A \$10 incentive was offered, and a follow-up telephone call was made a few days later to arrange a time and place for an interview. At the time of this meeting, informed consent was obtained.

Selection and Recruitment of Controls

After each interview with a case proxy, we sought a control subject matched to the case subject according to sex, race, age range (15 to 24 years, 25 to 40 years, 41 to 60 years, and 61 years or older), and neighborhood of residence. To minimize selection bias, the controls were identified by a previously validated procedure for the random selection of a matching household in the neighborhood.^{8,10} After marking off a one-block avoidance zone around the home of the case subject, the interviewer started a neighborhood census at a randomly assigned point along a predetermined route radiating out from the case subject's residence. Households where no one was home were approached twice more, at different times of day and on different days of the week. If contact could not be established after three tries, no further efforts were made. After each neighborhood census was completed, an adult (a person 18 years old or older) in the first household with a member who met the matching criteria was offered a \$10 incentive and asked to provide an interview. Whenever possible, attempts were made to interview a proxy for the actual matching control subject. When no interview was granted, the next matching household on the route was approached. If a closer match on the route was found on the second or third visit to the neighborhood, an adult respondent in the closer household was interviewed and any earlier, more distant interviews were discarded. Overall, census data were obtained from 70 percent of the households approached to identify each match. Eighty-four percent of the interviews were obtained from the closest matching household, 13 percent from the second, 3 percent from the third, and <1 percent from the fourth.

Interviews

Case and control interviews were identical in format, order, and content. Each was brief, highly structured, and arranged so that more sensitive questions were not broached until later in the interview. Items drawn from the Short Michigan Alcoholism Screening Test,¹¹ the Hollingshead-Wilcoxon two-factor index of social position,¹² and a 1978 poll of gun ownership by Decision Making Information¹³ were included. Particularly sensitive questions were preceded by "permissive" statements, such as the following: "Many people have quarrels or fights. Has anyone in this household ever been hit or hurt in a fight in the home?"

Statistical Analysis

Data from reports prepared by medical examiners and police were used to describe the study population. Interview data were used for risk assessment, because these were collected in an analogous manner from the case proxies and matching control households. Since members of a household might acquire firearms or remove them from the home in response to a homicide in the neighborhood, answers were adjusted to reflect the state of affairs on the date of the homicide. Mantel-Haenszel chi-square analysis for

matched pairs was used to calculate the crude odds ratio associated with each variable. Multivariate analyses used conditional logistic regression, the appropriate technique for a matched-pairs design.¹⁴

Potentially confounding variables were identified and controlled for by a two-step process. First, models containing closely related variables (such as those describing the use of alcohol in the home) were constructed to identify the variable or variables in each set that were most predictive of whether the household in question was a case or a control household. Next, a model that incorporated the variables selected in this initial step was constructed to select those that remained significant after we controlled for the effects of the remaining variables in the model. An additional model was constructed to look for interaction effects among the significant variables. Since no interaction terms significantly altered the adjusted odds ratios, the final model included six variables and was based on complete data from 316 matched pairs. After this analysis, an alternative modeling procedure was used to retain potentially confounding variables if they were even marginally significant ($P < 0.20$). Although this approach added two variables, it did not significantly alter the adjusted odds ratios of the six included in our final model.

After completing this initial series of calculations, we examined the relation between homicide in the home and gun ownership, using various strata of the full study sample. To limit bias resulting from potentially faulty reporting, one analysis was limited to pairs with a case interview obtained from a proxy who lived in the home of the victim. To determine whether gun ownership was associated with an increased risk of homicide by firearms as compared with homicide by other means, cases were stratified according to method. To discern whether guns in the home decrease the risk of an intruder-related homicide or increase the risk of being killed by a family member, additional analyses stratified according to circumstance and the relationship between the victim and the offender were also conducted. After these were completed, a comparable series of stratified analyses was performed to assess more clearly the relation between homicide and previous violence in the home.

RESULTS

Study Population

There were 1860 homicides in the three counties during the study period. Four hundred forty-four (23.9 percent) took place in the home of the victim. After we excluded the younger victim in 19 double deaths, 2 homicides that were not reported to project staff, and 3 late changes to a death certificate, 420 cases (94.6 percent) were available for study.

Reports on the Scene

Most of the homicides occurred inside the victim's home (Table 1). Eleven percent occurred outside the home but within the immediate property lines. Two hundred sixty-five victims (63.1 percent) were men; 36.9 percent were women. A majority of the homicides (50.9 percent) occurred in the context of a quarrel or a romantic triangle. An additional 4.5 percent of the victims were killed by a family member or an intimate acquaintance as part of a murder-suicide. Thirty-two homicides (7.6 percent) were related to drug dealing, and 92 homicides (21.9 percent) occurred during the commission of another felony, such as a robbery, rape, or burglary. No motive other than homicide could be established in 56 cases (13.3 percent).

The great majority of the victims (76.7 percent) were killed by a relative or someone known to them. Homicides by a stranger accounted for only 15 cases (3.6 percent). The identity of the offender could not be

established in 73 cases (17.4 percent). The remaining cases involved other offenders or police acting in the line of duty.

Two hundred nine victims (49.8 percent) died from gunshot wounds. A knife or some other sharp instrument was used to kill 111 victims (26.4 percent). The remaining victims were either bludgeoned (11.7 percent), strangled (6.4 percent), or killed by other means (5.7 percent).

Evidence of forced entry was noted in 59 cases (14.0 percent). Eighteen of these involved an unidentified

intruder; six involved strangers. Two involved the police. The rest involved a spouse, family member, or some other person known to the victim.

Attempted resistance was reported in 184 cases (43.8 percent). In 21 of these (5.0 percent) the victim unsuccessfully attempted to use a gun in self-defense. In 56.2 percent of the cases no specific signs of resistance were noted. Fifteen victims (3.6 percent) were killed under legally excusable circumstances. Four were shot by police acting in the line of duty. The rest were killed by another member of the household or a private citizen acting in self-defense.

Table 1. Characteristics of 420 Homicides Committed in the Homes of the Victims.*

CHARACTERISTIC	No. (%) OF VICTIMS
Scene	
Inside residence	373 (88.8)
Within immediate property line	47 (11.2)
Sex of victim	
Female	155 (36.9)
Male	265 (63.1)
Race or ethnic group of victim	
White	140 (33.3)
Black	260 (61.9)
Native American, Eskimo, Aleut	4 (1.0)
Asian or Pacific Islander	7 (1.7)
Other	9 (2.1)
Age group of victim (yr)	
15-24	58 (13.8)
25-40	171 (40.7)
41-60	106 (25.2)
≥61	85 (20.2)
Circumstances	
Altercation or quarrel	185 (44.0)
Romantic triangle	29 (6.9)
Murder-suicide	19 (4.5)
Felony-related	92 (21.9)
Drug dealing	32 (7.6)
Homicide only	56 (13.3)
Other	7 (1.7)
Relationship of offender to victim	
Spouse	70 (16.7)
Intimate acquaintance	58 (13.8)
First-degree relative	40 (9.5)
Other relative	12 (2.9)
Roommate	12 (2.9)
Friend or acquaintance	130 (31.0)
Police officer	4 (1.0)
Stranger	15 (3.6)
Unknown (unidentified suspect)	73 (17.4)
Other	6 (1.4)
Method of homicide	
Handgun	180 (42.9)
Rifle	10 (2.4)
Shotgun	15 (3.6)
Unknown firearm	4 (1.0)
Knife or sharp instrument	111 (26.4)
Blunt instrument	49 (11.7)
Strangulation or suffocation	27 (6.4)
Burns, smoke, scalding	10 (2.4)
Other	14 (3.3)
Victim resisted assailant	
Yes	184 (43.8)
No	140 (33.3)
Not noted	96 (22.9)
Evidence of forced entry	
Yes	59 (14.0)
No	354 (84.3)
Not noted	7 (1.7)
Legally excusable circumstances	
Yes	15 (3.6)
No	405 (96.4)

*Because of rounding, not all percentages total 100.

Comparability of Case Subjects and Controls

Potential proxy respondents were identified for 405 of the 420 case subjects (96.4 percent). Interviews were obtained from 93 percent of those approached in Shelby County, 99 percent in Cuyahoga County, and 98 percent in King County. The households of those who agreed to be interviewed did not differ from the households of those who refused with respect to the age, sex, or race of the victim or the method of homicide (firearm vs. other).

Interviews with a matching control were obtained for 99.7 percent of the case interviews, yielding 388 matched pairs. Three hundred fifty-seven pairs were matched for all three variables, 27 for two variables, and 4 for a single variable (sex). The demographic characteristics of the victims and controls were similar, except that the case subjects were more likely to have rented their homes (70.4 percent vs. 47.3 percent) and to have lived alone (26.8 percent vs. 11.9 percent) (Table 2). Although efforts were made to conduct every interview in person, proxy respondents for the case subjects were much more likely than the controls to request a telephone interview (40.2 percent vs. 12.6 percent). Despite efforts to interview a proxy respondent for each control, only 48.2 percent of the control interviews were obtained in this manner.

Univariate Analysis

Alcohol was more commonly consumed by one or more members of the households of case subjects than by members of the households of controls (Table 3). Alcohol was also more commonly consumed by the case subjects themselves than by their matched controls. Case subjects were reported to have manifested behavioral correlates of alcoholism (such as trouble at work due to drinking) much more often than matched controls. Illicit-drug use (by the case subject or another household member) was also reported more commonly by case households than control households.

Previous episodes of violence were reported more frequently by members of case households. When asked if anyone in the household had ever been hit or hurt in a fight in the home, 31.8 percent of the proxies for the case subjects answered affirmatively, as compared with only 5.7 percent of controls. Physical fights in the home while household members were drinking and fighting severe enough to cause injuries were re-

Table 2. Demographic Characteristics of 388 Pairs of Case Subjects and Controls.*

CHARACTERISTIC	CASE SUBJECTS	CONTROLS
Sex (%)		
Male	63.1	63.1
Female	36.9	36.9
Race or ethnic group (%)		
White	32.9	34.5
Black	62.1	61.6
Native American, Eskimo, Aleut	1.0	0.5
Asian or Pacific Islander	2.8	2.8
Other	1.0	0.5
Age group — yr (%)		
15–24	13.1	13.1
25–40	40.2	40.5
41–60	26.0	26.0
≥61	20.6	20.4
Median years of education of household head	12	12
Median socioeconomic status of household head†	4	4
Type of dwelling (%)		
House	54.6	60.3
Other	45.4	39.7
Rented	70.4	47.3
Owned	29.6	52.7
Median no. of residents/room	0.5	0.6
Lived alone (%)	26.8	11.9
Telephone interview (%)	40.2	12.6
Proxy respondents interviewed	100	48.2

*Because of rounding, not all percentages total 100.

†Socioeconomic status was measured according to the Hollingshead score on a scale of 1 to 5, with 1 as the highest score.¹²

ported much more commonly by case proxies than controls. One or more members of the case households were also more likely to have been arrested or to have been involved in a physical fight outside the home than members of control households.

Similar percentages of case and control households reported using deadbolt locks, window bars, or metal security doors. The case subjects were slightly less likely than the controls to have lived in a home with a burglar alarm, but they were slightly more likely to have controlled security access. Almost identical percentages of case and control households reported owning a dog.

One or more guns were reportedly kept in 45.4 percent of the homes of the case subjects, as compared with 35.8 percent of the homes of the control subjects (crude odds ratio, 1.6; 95 percent confidence interval, 1.2 to 2.2). Shotguns and rifles were kept by similar percentages of households, but the case households were significantly more likely to have a handgun (35.7 percent vs. 23.3 percent; crude odds ratio, 1.9; 95 percent confidence interval, 1.4 to 2.7). Case households were also more likely than control households to contain a gun that was kept loaded or unlocked (Table 3).

Multivariate Analysis

Six variables were retained in our final conditional logistic-regression model: home rented, case subject or control lived alone, any household member ever hit or hurt in a fight in the home, any household member

ever arrested, any household member used illicit drugs, and one or more guns kept in the home (Table 4). Each of these variables was strongly and independently associated with an increased risk of homicide in the home. No home-security measures retained significance in the final model. After matching for four characteristics and controlling for the effects of five more, we found that the presence of one or more firearms in the home was strongly associated with an increased risk of homicide in the home (adjusted odds ratio, 2.7; 95 percent confidence interval, 1.6 to 4.4).

Stratified analyses with our final regression model revealed that the link between guns and homicide in the home was present among women as well as men, blacks as well as whites, and younger as well as older people (Table 5). Restricting the analysis to pairs with data from case proxies who lived in the home of the victim demonstrated an even stronger association than that noted for the group overall. Gun ownership was most strongly associated with homicide at the hands of a family member or intimate acquaintance (adjusted odds ratio, 7.8; 95 percent confidence interval, 2.6 to 23.2). Guns were not significantly linked to an increased risk of homicide by acquaintances, unidentified intruders, or strangers. We found no evidence of a protective benefit from gun ownership in any subgroup, including one restricted to cases of homicide that followed forced entry into the home and another restricted to cases in which resistance was attempted. Not surprisingly, the link between gun ownership and homicide was due entirely to a strong association between gun ownership and homicide by firearms. Homicide by other means was not significantly linked to the presence or absence of a gun in the home.

Living in a household where someone had previously been hit or hurt in a fight in the home was also strongly and independently associated with homicide, even after we controlled for the effects of gun ownership and the other four variables in our final model (adjusted odds ratio, 4.4; 95 percent confidence interval, 2.2 to 8.8) (Table 4). Previous family violence was linked to an increased risk of homicide among men as well as women, blacks as well as whites, and younger as well as older people (Table 6). Virtually all of this increased risk was due to a marked association between prior domestic violence and homicide at the hands of a family member or intimate acquaintance (adjusted odds ratio, 20.4; 95 percent confidence interval, 3.9 to 104.6).

Discussion

Although firearms are often kept in homes for personal protection, this study shows that the practice is counterproductive. Our data indicate that keeping a gun in the home is independently associated with an increase in the risk of homicide in the home. The use of illicit drugs and a history of physical fights in the home are also important risk factors. Efforts to increase home security have largely focused on preventing unwanted entry, but the greatest threat

to the lives of household members appears to come from within.

We restricted our study to homicides that occurred in the home of the victim, because these events can be most plausibly linked to specific individual and household characteristics. If, for example, the ready availability of a gun increases the risk of homicide, this effect should be most noticeable in the immediate environment where the gun is kept. Although our case definition excluded the rare instances in which a nonresident intruder was killed by a homeowner, our methodology was capable of demonstrating significant protective effects of gun ownership as readily as any evidence of increased risk.

Previous studies of risk factors for homicide have

employed correlational analysis¹⁵ or retrospective-cohort¹⁶ or time-series¹⁷ designs to link rates of homicide to specific risk factors. However, hazards suggested by ecologic analysis may not hold at the level of individual households or people.¹⁸ In contrast to these approaches, the case-control method studies individual risk factors in relation to a specific outcome of interest. Case-control research is particularly useful when the list of candidate risk factors is large and the rate of adverse outcomes is relatively low. Under these circumstances, it is usually the analytic method of choice.¹⁹

Although case-control studies offer many advantages over ecologic studies, they are prone to several sources of bias. To minimize selection bias, we included all cases of homicide in the home and rigorously followed an explicit procedure for randomly selecting neighborhood control subjects. High response rates among case proxies (92.6 percent) and matching controls (80.6 percent) minimized nonresponse bias. Case respondents did not differ significantly from nonrespondents with regard to the age, sex, and race of the victim and the type of weapon involved. Although double homicides and murder-suicides were considered single events to avoid overrepresenting their effects, the number of cases excluded for this reason was small.

Other threats to the validity of the study were less easy to control. A respondent's recollection of events can be powerfully affected by a tragedy as extreme as a homicide in the home. To diminish the effect of recall bias, we delayed our contact with the case proxies to allow for an initial period of grief. We also used a simple, forced-choice questionnaire to ascertain information in a comparable manner from case proxies and controls. We tried to obtain data on victims and controls as similarly as possible by interviewing proxy respondents for the controls whenever possible. Although we were able to do so only 48 percent of the time, the responses we obtained from this subgroup were consistent with those obtained from the study population overall.

Potential misreporting of sensitive information was a serious concern, since we had no way to verify each respondent's statements independently. If case proxies or controls selectively withheld sensitive

Table 3. Univariate Analysis of Hypothesized Risk on Protection Factors Derived from Data on 388 Matched Pairs of Case Subjects and Controls.

VARIABLE	CASE SUBJECTS	CONTROLS	CRUDE ODDS RATIO (95% CI)*
	no. (%)†		
Behavioral factors			
Any household member drank alcoholic beverages	277 (73.3)	217 (55.9)	2.4 (1.7-3.3)
Case subject or control drank alcoholic beverages	238 (62.8)	162 (41.9)	2.6 (1.9-3.5)
Drinking caused problems in the household	92 (24.8)	22 (5.7)	7.0 (4.2-11.8)
Any household member had trouble at work because of drinking	32 (9.0)	3 (0.8)	10.7 (4.1-27.5)
Case subject or control had trouble at work because of drinking	20 (5.5)	1 (0.3)	20.0 (4.9-82.4)
Any household member hospitalized because of drinking	41 (11.4)	9 (2.3)	9.8 (4.2-22.5)
Case subject or control hospitalized because of drinking	28 (7.6)	2 (0.5)	14.0 (4.7-41.6)
Any household member used illicit drugs	111 (31.3)	23 (6.0)	9.0 (5.4-15.0)
Case subject or control used illicit drugs	74 (20.3)	16 (4.2)	6.8 (3.8-12.0)
Any physical fights in the home during drinking	92 (25.3)	13 (3.4)	8.9 (5.2-15.3)
Any household member hit or hurt in a fight in the home	117 (31.8)	22 (5.7)	7.9 (5.0-12.7)
Any family member required medical attention because of a fight in the home	62 (17.3)	8 (2.1)	10.2 (5.2-20.0)
Any adult household member involved in a physical fight outside the home	103 (29.9)	70 (18.8)	2.1 (1.4-3.0)
Any household member arrested	193 (52.7)	90 (23.4)	4.2 (3.0-6.0)
Case subject or control arrested	132 (36.0)	60 (15.7)	3.5 (2.4-5.2)
Environmental factors			
Home rented	271 (70.4)	183 (47.6)	5.9 (3.8-9.2)
Public housing	41 (11.1)	38 (9.8)	1.5 (0.7-3.3)
Case subject or control lived alone	103 (26.8)	46 (11.9)	3.4 (2.2-5.1)
Deadbolt locks	243 (68.8)	292 (75.3)	0.8 (0.5-1.0)
Window bars	71 (19.2)	81 (20.9)	0.8 (0.5-1.3)
Metal security door	95 (25.4)	104 (26.8)	0.9 (0.6-1.3)
Burglar alarm	26 (7.1)	43 (11.1)	0.6 (0.4-1.0)‡
Controlled security access to residence	52 (13.9)	38 (9.8)	2.3 (1.2-4.4)
Dog or dogs in home	94 (24.2)	87 (22.4)	1.1 (0.8-1.6)
Gun or guns in home	174 (45.4)	139 (35.8)	1.6 (1.2-2.2)
Handgun	135 (35.7)	90 (23.3)	1.9 (1.4-2.7)
Shotgun	50 (13.6)	65 (16.8)	0.7 (0.5-1.1)
Rifle	45 (12.2)	54 (13.9)	0.8 (0.5-1.3)
Any gun kept unlocked	105 (29.6)	69 (17.8)	2.1 (1.4-3.0)
Any gun kept loaded	93 (26.7)	48 (12.5)	2.7 (1.8-4.0)
Guns kept primarily for self-defense	125 (32.6)	86 (22.2)	1.7 (1.2-2.4)

*Results were calculated with the Mantel-Haenszel chi-square analysis for matched pairs. CI denotes confidence interval. †Percentages reflect the proportion of subjects who responded yes among all subjects who gave a response.

‡The value is statistically significant; the upper bound of the 95 percent confidence interval is 1.0 because of rounding.

Table 4. Variables Included in the Final Conditional Logistic-Regression Model Derived from Data on 316 Matched Pairs of Case Subjects and Controls.*

VARIABLE	ADJUSTED ODDS RATIO (95% CI)
Home rented	4.4 (2.3-8.2)
Case subject or control lived alone	3.7 (2.1-6.6)
Any household member hit or hurt in a fight in the home	4.4 (2.2-8.8)
Any household member arrested	2.5 (1.6-4.1)
Any household member used illicit drugs	5.7 (2.6-12.6)
Gun or guns kept in the home	2.7 (1.6-4.4)

*Conditional logistic-regression analysis requires that data on all the variables of interest be available for both case subjects and their matched controls. Therefore, 72 pairs with missing data on any of the 10 variables of interest were excluded from this analysis. CI denotes confidence interval.

information about illicit-drug use, alcoholism, or violence in the home, inaccurate estimates of risk could result. We attempted to minimize this problem by reassuring our respondents of the confidentiality of their responses. We also placed "permissive" statements before each potentially intrusive question to encourage honest replies. Very few respondents refused to answer our questions, although all were assured that they were free to do so.

The rate of domestic violence reported by our control respondents was somewhat less than that noted in a large telephone survey.²⁰ This may be due to regional or temporal differences in rates of battering, variations in the way we phrased our questions (e.g., screening as compared with an exploratory line of inquiry), or the increased anonymity afforded by telephone interviews as compared with our face-to-face encounters.

Underreporting of gun ownership by control respondents could bias our estimate of risk upward. We do not believe, however, that misreporting of gun ownership was a problem. In two of our three study communities, a pilot study of homes listed as the addresses of owners of registered handguns confirmed that respondents' answers to questions about gun ownership were generally valid.²¹ Furthermore, the rate of gun ownership reported by control respondents in each study community was comparable to estimates derived from previous social surveys²² and Cook's gun-prevalence index.¹⁵

Four limitations warrant comment. First, our study was restricted to homicides occurring in the home of the victim. The dynamics of homicides occurring in other locations (such as bars, retail establishments, or the street) may be quite different. Second, our research was conducted in three urban counties that lack a substantial percentage of Hispanic citizens. Our results may therefore not be generalizable to more rural communities or to Hispanic households. Third, it is possible that reverse causation accounted for some of the association we observed between gun ownership

and homicide — i.e., in a limited number of cases, people may have acquired a gun in response to a specific threat. If the source of that threat subsequently caused the homicide, the link between guns in the home and homicide may be due at least in part to the failure of these weapons to provide adequate protection from the assailants. Finally, we cannot exclude the possibility that the association we observed is due to a third, unidentified factor. If, for example, people who keep guns in their homes are more psychologically prone to violence than people who do not, this could explain the link between gun ownership and homicide in the home. Although we examined several behavioral markers of violence and aggression and included two in our final logistic-regression model, "psychological confounding" of this sort is difficult to control for. "Psychological autopsies" have been used to control for psychological differences between adolescent victims of suicide and inpatient controls with psychiatric disorders,^{23,24} but we did not believe this approach was practical for a study of homicide victims and neighborhood controls. At any rate, a link between gun ownership and any psychological tendency toward violence or victimization would have to be extremely strong to account for an adjusted odds ratio of 2.7.

Given the univariate association we observed between alcohol and violence, it may seem odd that no alcohol-related variables were included in our final multivariate model. Although consumption of alcoholic beverages and the behavioral correlates of alcoholism were strongly associated with homicide, they were also related to other variables included in our final model. Forcing the variable "case subject or control drinks" into our model did not substantially alter

Table 5. Homicide in the Home in Relation to Gun Ownership, According to Subgroup.

SUBGROUP	No. of PAIRS	ADJUSTED ODDS RATIO (95% CI)*
Sex		
Female	121	3.6 (1.6-8.1)
Male	195	2.3 (1.1-4.6)
Race		
White	103	2.7 (1.0-6.9)†
Black	196	2.9 (1.5-5.7)
Age (yr)		
15-40	169	3.4 (1.4-8.0)
≥41	147	2.3 (1.2-4.6)
Suspect related to or intimate with victim		
Yes	138	7.8 (2.6-23.2)
No	178	1.8 (1.0-3.4)
Evidence of forced entry		
Yes	46	2.5 (0.7-8.4)
No	219	2.8 (1.5-5.2)
Victim resisted assailant		
Yes	141	3.0 (1.3-6.2)
No	105	3.1 (1.2-8.1)
Method of homicide		
Firearm	159	4.8 (2.2-10.3)
Other	157	1.2 (0.5-2.7)

*All the results were calculated by conditional logistic regression after control for the covariates listed in Table 4. CI denotes confidence interval.

†The value is statistically significant; the lower bound of the 95 percent confidence interval is 1.0 because of rounding.

Table 6. Homicide in the Home in Relation to Prior Domestic Violence, According to Subgroup.

SUBGROUP	No. of Pairs	ADJUSTED ODDS RATIO (95% CI)*
Sex		
Female	121	4.4 (1.6-11.9)
Male	195	4.4 (1.5-12.6)
Race		
White	103	6.9 (1.7-27.6)
Black	196	2.9 (1.2-7.3)
Age (yr)		
15-40	169	5.2 (1.7-16.0)
≥41	147	4.5 (1.7-12.0)
Suspect related to or intimate with victim		
Yes	138	20.4 (3.9-104.6)
No	178	1.9 (0.8-4.7)
Victim resisted assailant		
Yes	141	7.2 (2.1-25.3)
No	105	4.0 (1.0-17.0)
Evidence of forced entry		
Yes	46	1.4 (0.4-4.4)
No	219	8.1 (2.8-23.1)
Method of homicide		
Firearm	159	3.1 (1.0-9.0)
Other	157	5.4 (1.9-15.6)

*All the results were calculated by conditional logistic regression after control for the covariates listed in Table 4. CI denotes confidence interval.

the adjusted odds ratios for the other variables. Furthermore, the adjusted odds ratio for this variable was not significantly greater than 1.

Large amounts of money are spent each year on home-security systems, locks, and other measures intended to improve home security. Unfortunately, our results suggest that these efforts have little effect on the risk of homicide in the home. This finding should come as no surprise, since most homicides in the home involve disputes between family members, intimate acquaintances, friends, or others who have ready access to the home. It is important to realize, however, that these data offer no insight into the effectiveness of home-security measures against other household crimes such as burglary, robbery, or sexual assault. In a 1983 poll, Seattle homeowners feared "having someone break into your home while you are gone" most and "having someone break into your home while you are at home" 4th on a list of 16 crimes.²⁵ Although homicide is the most serious of crimes, it occurs far less frequently than other types of household crime.² Measures that make a home more difficult to enter are probably more effective against these crimes.

Despite the widely held belief that guns are effective for protection, our results suggest that they actually pose a substantial threat to members of the household. People who keep guns in their homes appear to be at greater risk of homicide in the home than people who do not. Most of this risk is due to a substantially greater risk of homicide at the hands of a family member or intimate acquaintance. We did not find evidence of a protective effect of keeping a gun in the home, even in the small subgroup of cases that involved forced entry.

Saltzman and colleagues recently found that assaults by family members or other intimate acquaint-

ances with a gun are far more likely to end in death than those that involve knives or other weapons.²⁶ A gun kept in the home is far more likely to be involved in the death of a member of the household than it is to be used to kill in self-defense.⁴ Cohort and interrupted time-series studies have demonstrated a strong link between the availability of guns and community rates of homicide.^{7,15-17} Our study confirms this association at the level of individual households.

Previous case-control research has demonstrated a strong association between the ownership of firearms and suicide in the home.^{10,23,24} Also, unintentional shooting deaths can occur when children play with loaded guns they have found at home.²⁷ In the light of these observations and our present findings, people should be strongly discouraged from keeping guns in their homes.

The observed association between battering and homicide is also important. In contrast to the money spent on firearms and home security, little has been done to improve society's capacity to respond to the problem of domestic violence.^{28,29} In the absence of effective intervention, battering tends to increase in frequency and severity over time.²⁸⁻³⁰ Our data strongly suggest that the risk of homicide is markedly increased in homes where a person has previously been hit or hurt in a family fight. At the very least, this observation should prompt physicians, social workers, law-enforcement officers, and the courts to work harder to identify and protect victims of battering and other forms of family violence. Early identification and effective intervention may prevent a later homicide.^{31,32}

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